

A
DISCOURSE

UPON

Grants and Resumptions.

Showing How our

ANCESTORS

Have Proceeded with such

MINISTERS

As have Procured to Themselves

GRANTS

OF THE

Crown-Revenue ;

And that the

Forfeited ESTATES

Ought to be Applied towards the

Payment of the Publick DEBTS.

By the AUTHOR of,

The Essay on Ways and Means.

The Second Edition.

Apud Sapientes cassa habebantur, quæ neque dari, neque accipi, salvâ Republicâ poterant. Tacit. Hist. Lib. III.

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J. H. Green

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THIS BOOK having been Printed off in haste, some Litteral Errors may probably have escaped Correction; which the Reader is desir'd to amend with his Pen.

B O O K S

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at the Crown, in St. Paul's Church-yard.**

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1

A
DISCOURSE
UPON
GRANTS
AND
RESUMPTIONS.

S E C T. I.

INTRODUCTION.

ALL Governments well and wisely Constituted, as soon as they began to Form themselves into a Politick Existence, have separated from Private Use a certain Proportion of their Wealth, and Assign'd it to the Uses of the Publick : And this has not only been thought a point of Wisdom by particular Nations, but Confederated Cities and States have done the same; for the *Grecians* had a Common Treasury kept in

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the Temple of *Apollo Delphicus*, ready at all times to supply such Affairs as they manag'd with united Councils.

'Tis so necessary to particular Nations, that there never was a Common-Wealth without a Publick Stock, which was either great or little; sometimes according as the State continued in Peace, or was harass'd with Wars; but most commonly according to the Prudence or Weakness of such as Govern'd, for there have been Examples (as shall be shewn by and by) of States wisely Rul'd whom Wars have enrich'd, and of others loosely Manag'd that have been Impoverish'd in Times of the profoundest Peace.

Common-wealths either in their first Institution have allotted Part of their Territory, or in their further Progress have assign'd part of the Lands coming to 'em by Conquest for the constant Service of the State, both in War and in Peace; and this they probably did, that they might not be compell'd, at every turn to call upon the People for Contributions.

Where the Government has been by a Single Person, the Prince has had his Portion of Land for his Domestick Expences, as appears in the Instance of *Tarquin*

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quin, whose Fields upon his Expulsion were made Publick; but the Burthen of any War lay upon the whole. In the Kingdoms settled by the *Huns*, *Goths* and *Vandals*, where the Expedition was at the Common Expence of all, the Conquer'd Country was divided, the Prince had his Proportion, his principal Captains and Commanders had theirs, and the Common Soldier was not without his Share: Thus *Genferick* King of the *Vandals*, when he prevail'd in *Africk* reserv'd to himself the Provinces *Bezacena*, *Azuritana*, *Getulia*, and part of *Numidia*; and to his Army he distributed by way of Inheritance *Zeugitana*, and *Affrica Proconsularis*. In the Establishments made by the Northern Nations, in consideration of the Lands so held, certain Services were due from the Souldier to his Captain, and from the Captain to the Prince; and upon the strength of such Tenures, in after times, the Descendents of these People, and their Kings, did subsist and make their Wars: But of this in another place.

What they thus took, or what was allotted to 'em as their Share by Compact among their Followers, Good Princes have always reckon'd as belonging to the Publick, and they always made a Di-

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distinction between what they held in their Private Capacities, and what they held as Publick Persons, and Heads of the Commonwealth, and tho' in the Eastern Monarchies erected by Force, and which were Invasions on the Common Rights of Mankind, the Prince might account himself Supream and uncontrollable Lord of the whole, and not bounded by any Laws; and tho' these Tyrants look'd upon the People as no better than so many Herds of Cattle, yet it was not so in the *Roman* Government as 'twas model'd by *Augustus*, and as he meant it should be transmitted to his Successors; and most certainly it was otherwise in the several Kingdoms erected by the *Huns*, *Goths*, and *Vandals*, upon the Ruins of the *Roman* Empire. All which shall manifestly appear in the Series of this Discourse.

Good Princes have not only made a Distinction between what was their own Patrimonially, as the Civil Law Books term it, and what the State had an Interest in, but many of them, as we shall shew by and by, in care of the Publick, and right Oeconomy, have equal'd the most prudent Commonwealths.

And no doubt such Thrift was always esteem'd a Point of the highest Wisdom,

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Wisdom, because, the expences of War consider'd even in the remotest times, shatter'd indigent Governments, and wanting Princes, have been seldom known to compass great things; besides, being without Mony, the Nerves of War, they are obnoxious to the Insults and Invasions of their Neighbours; notbut that wealthy Countreys have been and may be invaded, but we mean that those Nations are most liable to be overrun and conquer'd, where the People are Rich, and where, for want of good Conduct, the Publick is poor. Moreover, there are infinite Examples in History, of Kings, whose Necessities have made Taxes, too often repeated, the only Fault in their Reigns, and who have thereby lost the Affection of their Subjects.

But setting aside the Dangers, Foreign and Domestick, that arise from Profusion in what belongs to the Publick, it depraves all the different ranks of men; for in profuse Governments it has been ever observ'd that the People from bad Example have grown lazy and expensive, the Court has become luxurious and mercenary and the Camp insolent and seditious.

Where wasting the Publick Treasure has obtain'd in a Court, all good Order

is banish'd, because he who would promote it, and be frugal for his Prince, is look'd upon as a common Enemy to all the rest; Virtue is neglected, which raises men by leisurely steps, when Vice and Flattery will in a little time in a Ministry who mind not what is given away, bring a man to a great Estate; nor is Industry cultivated, where he does his business sufficiently, who knows which way to apply, and how to beg in a lucky and critical moment: And, at such a Season, many of the Peoples Representatives lose their Integrity, when they see others running from every Bench to share in the universal Plunder of a Nation.

Kings reduced to Streights, either by their own, or by the negligence of their Predecessors, have been always involved in dark and mean Intreagues; They have been forc'd to court such as in their Hearts they abhor, and to frown upon those whose Abilities and Vertues they secretly approve of and Reverence, instead of being Heads of the whole Commonwealth, as in Law and in Reason they ought to be, they have often been compell'd to put themselves in the Front, sometimes of one, and sometimes of another Party, as they saw it prevalent: A
Policy

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Policy in the end ever fatal to Rulers. Being intangled, they have been constrain'd to bring into the cheif Administration of their Affairs Projectors, and Inventors of new Taxes, who being hateful to the People, seldom fail of bringing Odium upon their Master: And these little Fellows, whose only Skill lies that way, when they become Ministers, being commonly of the lower Rank of Understandings, manage accordingly; for their own Ignorance in matters of Government, occasions more necessities than their Arts of raising Money are able to supply; but wanting States make use of these sorts of Men, and Princes often think they are well serv'd by such, because now and then they can palliate present Evils, but they do but film over a Sore, which breaks out afterwards with greater Rancour; whereas able Statesmen would obviate the Mischief in its growth, and, by wholesome Councils, restrain their Masters bounty before he has nothing left to give, and before his People are weary of feeding endless Expences: But one of the worst Effects of Poverty in a State is, That it frights such as are able to mend Things, Men of sublime Skill, Integrity and Virtue, from meddling in Affairs; for they well know how

Clamorous, Slippery, and Difficult the Ministerial Part of Government proves when a Nation is plung'd in Debts, which generally, in all times, have produc'd so many Hurricanes, and popular Storms, as have made wise Men, at such a Season, not desire to hold the Helm; and this has fatal Consequences, for then the Ship is left to the Guidance of giddy and unskilful Pilots.

All this good Princes have ever observ'd; and when either the greatness of their Minds, or the Benignity of their Nature, has led them to be too open Handed, they have retreated as soon as possible from so false and dangerous a Step. But lest they should be careless in a Point so necessary to the Common Welfare, and so much for their own Preservation, the Wisdom of the Laws has provided for their Safety in this Matter, which fences the Prince's Revenue with divers Constitutions and Restrictions, all intended to preserve it from the Rapine of those about him; in order to which, the Politie or well near all Countries has contriv'd that his Gifts should Pass and be Register'd in several Offices, to the end that either some faithful Minister should put him in mind, or that he himself should have leisure to repent of Liberalities detrimental to the Publick.

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Not only the Laws of this Kingdom, but of other Places, and the *Roman* Laws, provide that the Prince should not be deceiv'd in his Grants; for he whose Thoughts are employ'd in the weighty Cares of Empire, is not presum'd to inspect minuter Things so carefully as Private Persons; the Laws therefore relieve him against the Surprizes and Machinations of Deceitful Men.

For his further Security, the Laws likewise inflict severe Punishments upon those who defraud him in his Stores, Treasure, or Revenues, counting such Publick Robbers more Criminal than petty and common Thieves.

But the Laws seem chiefly levell'd against those in whom he reposes the greatest Trust, therefore the Legislative Power of all Countries has rigorously Animadverted upon such Ministers and Officers, through whose Fraud, Negligence, or Crime, his Affairs have suffer'd any damage, of which in its proper Place we shall give variety of Precedents.

And when he has been exhausted by the too great Munificence of his own Temper, and through the false Representations, and subtle Contrivances of those about him, and when thereby the Publick has become weak, ruined, and unable to
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protect it self, he has been assisted by the Laws, and such as have been vigilant for his safety, jealous of his honour, and careful for the common Good, have thought it their Duty to look into his Gifts, and to resume his Grants, of which we shall give divers Instances and Examples.

But notwithstanding the Wisdom of the Laws, and of Law-makers, it has been always a Point of the highest difficulty to keep within its proper Veins this Life-blood of the Body Politick, so prone have corrupt Ministers ever been to urge Princes to needless and destructive Bounty, especially when they themselves are to be the largest sharers in it.

Kings are the Fathers of their Country, but unless they keep their own Estates, they are such Fathers as the Sons maintain, which is against the order of Nature, who makes all these Cares descend, and places Fostering, Nourishment, and Protection in the Parent; but the Prince is our common Father, and therefore all that tends to his Safety, Ease, and State, is due to him, however the less he is necessitated to depend upon his Children, the more he is respected.

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And Kings are not to account themselves Fathers of a Party only, or of none but those who rush into the Presence and whisper to 'em, they are Fathers of the whole Body of the People; They are not to reckon themselves Fathers of their Favourites only, as *Harry the III. of France* did, who said, *He would grow a good Husband when he had married his Children the Dukes of Joyeuse and Espermon*: Their Paternal Affection is to reach to all their Subjects. And as in a private Family, Partiality to one Brother begets Hatred and Divisions, so in a Nation it produces Discontent and Heartburnings to see three or four, without any superior Merit, lifted high over all the rest, enriched with the Universal Spoils of a Country, and wallowing in Luxury and Wealth, while the whole People groans under heavy Burthens.

Not that Mankind repine that the Prince should have Friends, with whom he may communicate his Thoughts, and unbend his Cares, nor to see such Friends the better for his Favours, 'tis warranted by Examples in the best Reigns: *Mecænas* and *Agrippa*, cherish'd, enrich'd, and promoted by *Augustus*, were yet as dear to the rest of *Rome*, as they were to that wise Emperor: But they behold with Indignation

dignation Men exalted, who return not to the Prince reciprocal kindness, who abuse his Favours, who sell his Words, who, by false Representations, traduce all others that they may engross him to themselves; who arrogate to themselves all the Good, and lay upon him the blame of unfortunate Councils, who have no regard to his Honor, when their own Safety is in question, whose advices tender to their own private Profit, without Consideration of their Master's, or the Publick Welfare; who draw all Lines to their own corrupted Center, whose Ambition is not gratify'd with any Honors, and whose Avarice is not satiated with multiplicity of Employments, nor with repeated Gifts and Grants out of a stript Revenue, and an exhausted Exchequer. 'Tis such a sort of Favourites and Ministers that the People hate, and exclaim against, and whose Heads they commonly reach at last.

Without any regard whether or no it be between Sun and Sun, if the Prince is robb'd the Country pays it; and therefore when the Hue and Cry hotly pursues the Robbers, Governments are not to wonder: 'Tis true, they now and then escape, especially when in their Depredations upon the Publick there are

a great many concern'd, and when they have made so large a Booty, that they become safe by the multitude of those who have been Partakers in it (for it has been the constant Course of Ministers who would Rob a Nation with Impunity, to give to all that ask, and to refuse no Man who has either Interest or Parts; that fortify'd by a strong Confederacy they may bear down all sort of Inquisition and outbrave the Laws) but very often the Wants of the People, crying aloud, have awaken'd good Patriots, and bold Spirits, whom neither the Power, nor the Number of the Offenders, could affright; and these Lovers of our Constitution, in many former Reigns (as shall be shown in the progress of this Discourse) have courageously Attack'd, and brought to Condemnation, Persons in the highest Places of Authority, who, in breach of their Trust, had presum'd to procure to themselves Grants of the King's Lands or Treasure, and who had converted to their own use, what was given and intended for the Maintenance and Preservation of the State.

Princes when they come to know the true state of Things, are not unwilling to prevent their own Ruin, which is manifest

fest from this; That the most Wise, Valiant, and most Heroick of our Kings (as shall likewise appear by and by) have given way to Inquiries of this nature, and not thought it inconsistent with their Royal Dignity and Honour, to Resume even their own Grants, when they have been represented by the whole Body of their People as hurtful to the Commonwealth.

In Democratical Governments War did commonly unite the Minds of Men; when they had Enemies Abroad they did not contend with one another at Home, which produc'd one good Effect, that then the Administration of Affairs was left to the best and ablest Hands. They chose for their mutual Strivings, for setting afoot Factions and dangerous Brigues, Times of the profoundest Peace, and at such Seasons Men grown Popular by wicked Arts, ambitious Pretenders, light Orators, and the worst sort of Citizens, had the most Sway and Authority among the People, which occasion'd *Phocian* to utter these memorable Words to one of this Stamp, *I am at present against War, tho' it puts the Power into my Hands, and tho' such turbulent and naughty Spirits as you are, Govern all things in times of Peace.* But notwithstanding it has thus hap-

happen'd in some Common-wealths, it has prov'd otherwise in mix'd Governments, where the several parts of the Constitution have their distinct Powers, Rights and Priviledges : And particularly in this Kingdom it has been seen that Mens Minds have been most Disunited, when there was the greatest need of Concord. Among us heretofore Foreign Wars, instead of allaying Factions for the present, have set 'em in a higher Flame, and, contrary to ancient Prudence, when we wanted the best, the worst Men have got to be at the Head of Business : All which did chiefly proceed from the Necessities to which our Princes were reduc'd by their Expeditions Abroad : For War occasions Taxes, Taxes bring Want, Want produces Discontent, and the Discontents of the People were ever the best Materials for Designing and Ambitious Men to work upon ; when the People is griev'd and sullen, Parties are easily Form'd ; when Parties are Form'd, at first they let themselves be advised and ruled by such as have true Publick Zeal and Virtue, but of those they grow quickly weary, and then they fall into the Hands of such as only make a false Profession of it, and in a little time they are entirely directed by Persons, whose
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sole drift is to build their own Fortunes upon the Ruins of their Country; in the mean while the strength and number of their Party makes these Leading Men Powerful, and gives 'em such Weight, that they must be Courted, Preferr'd and Bought; often they must have one half to procure the other; and so Considerable do they grow, that if they are suffer'd, they presently Invade all Offices and Employments, in which when they are securely planted, they likewise give to one another all the Lands and Revenues of the State: And our Histories shew, That in former times, Princes reduc'd to streights by War, have been forc'd to wink at this, and to permit these busie Men, then thought necessary, to do all, engross all, Rob the Publick, share the Crown Lands, and in short, to commit what other waste they please. Thus as in Common-Wealths the worst Men are most Powerful in Times of Peace, under Regal Governments they are strongest and ablest to do hurt in Times of War: But whereas in Common-Wealths Peace has brought sundry Mischiefs, in the Government by Kings, it often produces good Order, and better Administration; for several of our Princes, whose Necessities compell'd 'em

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to endure the Rapine of their Ministers in time of War, have, in times of Peace, divested those Publick Robbers of their unlawful and outrageous Plunder.

We have now upon the Throne a King *William 3* willing and able to correct the Abuses of the Age, Willing from the wisdom of his Mind, and the goodness of his Temper, Able from that Power and Strong Interest which his Courage and his other numberless Virtues have procur'd Him in the Hearts and Affections of his People. Men readily obey and follow him whom they reverence, for which reason some Philosophers have placed the Original of Power in Admiration, either of surpassing Form, great Valour, or Superior Understanding; Heroick Kings, whose high Perfections have made 'em awful to their Subjects, can struggle with, and subdue the Corruption of the times; A *Hercules* can cleanse the *Augean* Stable of the Filth which had not been swept away in thirty years. Princes whom their Effeminacy, Weakness, or Levity have rendred contemptible, may fear Idols of their own making, and stand in awe of Men become terrible, only by greatness derived from them. They may be affraid to pull down Ministers, and Favorites, grown formidable by the united Councils of
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their Faction, by the Number of their Followers, and strength of their Adherents, and so let male-administration proceed on, as thinking it too big to be amended; but magnanimous Kings, who have the People of their side, need entertain no such Thoughts and Apprehensions: they know that these Top-heavy buildings, rear'd up to an invidious height, and which have no solid Foundation in Merit, are in a Moment blown down by the breath of Kings. Good Persons indeed, grown great and popular from the Fame of their Real Worth and Virtues, may perhaps be dreadful to bad Rulers, but bad Men, let 'em have never so much seeming Greatness, and Power, are very rarely dangerous to good Princes.

The Cabals of a Party, the Intreagues of a Court, nor the Difficulties some may pretend to bring upon his affairs, never terrify a Wise and Stout King, bent to reform the State, who has the Love of his People, and whose Interest is one and the same with Theirs. We have never yet heard of a Tumult raised to rescue a Minister whom his Master desired to bring to a fair Account; On the contrary, to see upstarts, and worthless Men, enrich'd with Spoils of a Country, has been the Occasion of many popular Seditions, which
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wise Kings have appeased by a just and timely Sacrifice.

None are so able to mend what is amiss in a State, as Kings who enjoy their Crown from the subjects Gift ; May be it has been sometimes thought harsh in those who were born in Purple to look into abuses with a Stricter Eye than their Predecessors ; But Elected Kings are presum'd to come upon the Foot of Reformation, and so are justified, by the Voices of all Mankind, in pursuing the Ends for which they were called by the People ; if therefore such Kings are severe in looking into their Accompts, If they are frugal of the Publick Money, If they examine into the Corruption of their Officers, If they enquire into the sudden and exorbitant Wealth of those who have had the handling of their Treasure, If they rigorously punish such as in breach of their Trust, and contrary to their Oaths, have converted to their own use what belongs to the State, If they abandon and resign into the hands of Justice such as have robb'd them and the Publick, If they resume what has been obtain'd fraudulently, by surprize and upon wrong suggestions, and If they take back what was too great to give, and much too great to be ask'd, 'tis with

the universal Applause of the People whom this Care relieves from frequent and heavy Taxes.

There is no Good which may not be expected from the Wisdom and Resolution of the Prince who now fills the Throne: When he came over hither he found many of the Chief Rank and Figure overwhelm'd in Publick and Private Vices, and in a Country so corrupted, 'twas difficult to have a virtuous Court. They who should have helped him to mend things were readier to promote the Disorders by which they might thrive, than to set a foot a Frugality, under which they could not so well do their own business: If they had Preach'd up Thrift as necessary to carry on a long and Expensive War, with what Face could such a great Man have begg'd such a parcel of the Crown Lands, one a vast summ of Money, another this forfeited Estate, One so much Timber out of the Forrest, his Friend such a Reversion, his Friends Friend such a large Pension? And if they had held the purse close shut up to others, they must have blush'd when they were begging so much for themselves.

All these disorders are to be attributed to the Corruptions of the Times, and to the necessities thereby introduc'd, when
Parties

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Parties were to be gratified, when turbulent Spirits, who could obstruct affairs were to be quieted, and when too many expected to be paid for preserving themselves, and their own Country from a foreign Enemy ; Infomuch that when our Story comes to be read hereafter, Posterity will wonder (where the Subjects were so craving at Court, , and in another Place) how the Prince could save, from such a Number of spoilers, wherewithal to carry on his Wars abroad.

The Kings admirable Conduct has waded through all these Difficulties, He has given us a Peace when the continuance of the War was desired by too many at home, as better conducing to their dark designs. At his first coming over he sav'd that Religion which our mean Compliance under former Princes had put in danger. His prudence kept for ten years a People , divided among themselves, united against the Common Enemy. All the Misfortunes in his Reign have been the Result of our proper Corruptions, all the Good the Effects of his own Wisdom, and his Virtues will at last bear down, and master all our Vices.

He first form'd that League which has preserv'd the Liberties of *Europe* He has with a Confederate Army manag'd a long

with a pile
of steel.

War, and brought it to a good Conclusion, of which there are but few Examples in History; for tho the beginnings of Confederacies have been always vigorous, and successful, their Progress has been generally feeble, and Event unfortunate. By his Interest and Power he has made a King of *Poland*, an Elector of *Collein*, and erected a ninth Electorate in the Empire. He has restor'd the Duke of *Lorraine*, and taken the Bridle off from the Heads of the *Italian* Princes, by having been the Cause that *Cazal* and *Pignerol* were demolish'd. He has procur'd advantageous Terms for all his Allies. He has caused fortified Towns and large Provinces to be restor'd, which had been conquer'd long before. He forc'd his Potent Neighbour to make the the first Advances towards a Peace, which is more than Wise Men, when the War began could promise to themselves in their most Sanguine Hopes. He made himself be sought to when his Enemies prosper'd, and when the Confederate affairs declined. All which are manifest Proofs that he is as great in the Cabinet as in the Field.

And to Crown all his Glories, by one Act. he has shown his Goodness to humane kind, and given a Demonstration that he never desired Power but for the
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Benefit of others : His so cheerfully disbanding the Army at the request of his Parliament, is a Proof beyond all Contradiction, that he both Loves and Trusts his Subjects, and that his Noble Mind, conscious of no ill, is apprehensive of no Danger.

While Tyrants, who inflave their Country, are affraid tho inviron'd with Numerous Troops, He knew himself to be sufficiently guarded by the Affections of his People : Many Princes who have taken up Arms to relieve an oppress'd Nation have made it appear, in the course of their Proceedings, that they were incited to it by some Ambitious Ends, and not alone mov'd by a true desire of that Fame which follows virtuous Deeds, and the People they came to redeem have afterwards found that they did no more than Change one bad Ruler for another ; But this Heroick King has follow'd the Pattern of *Timoleon the Corinthian*, who not only rescued the *Sicilians* from Tyranny, bnt likewise left 'em in full Possession of their Freedoms : He has squar'd his Actions of those of *T. Quintius Flaminius*, who when he had subdued the *Macedonians*, and reduc'd King *Philip* to Terms of Peace, erected an eternal Trophy to his future Renown, when he pronounc'd by the Voice of a Herald, *That Greece*
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should thenceforward be exempt from Taxes, Impositions, and Garrisons, and Free to Govern it self by its own Laws. The same Liberties did the King in effect proclaim for ever to all *England*, when he delivered us from the Expences, and (which lay more heavily upon us) from the Terror of a Standing Army.

His happy Reign has not only freed our Persons, but likewise set our Minds at Liberty, which had for many Years been inflav'd by wrong Principles of *Unlimited Obedience due to the unlimited Exercise of Power*: Notions with which the Schools had poisoned our Youth, and which only served to draw the Prince to Govern amiss, but proved no security to him, when the People were grown weary of ill Government. The late Revolution, justified by its Necessity, and the Good it has produc'd, will be a lasting Answer to all that foolish Doctrine; so that, with the other Blessings of this Kings Accession to the Throne, the very President is not to be accompted among the least: Insomuch that what we did at that time, not only freed us then, but has set Liberty itself upon a better Foot, and cured us of those blind Errors, and dark Mists, which our own Luxuries, and the Craft of Courtiers, had brought upon our Understanding.

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A Prince thus adorn'd, fear'd for his Courage, admired for his Wisdom, and belov'd for the Good he has done his people, must certainly be able to surmount the Greatest Difficulties. 'Tis not a baffled and dishearten'd Party, lingering may be after their former Bondage, can give him any Opposition. Much less need he apprehend the Mercenary and inconstant Crew of the Hunters after preferment, whose Designs are always seen through, who are despis'd as soon as known, and who only lead one another.

But a King who would reform the State for the general Ease and Benefit of his people, must expect to meet with some Difficulties, especially if a great many of those about him are Partakers in the Abuses he will correct: All sort of Rubbs will be laid in the way, and the Fears of such as may be call'd to an accompt will make 'em set all kind of Engines at work.

First they will put a high Value upon their own Deserts, and arrogate to themselves the Single Merit of the many Millions which the whole Nation has both freely paid and Granted: They will produce Presidents of other Ages, and shew long Lists and Grants obtain'd under former Reigns; but, at the same time, they

they will take care not to mention how such proceedings have been always Resented, and often Punish'd in this Kingdom.

They will endeavour to blast the Reputation of such as would inquire into their Actions; and tho perhaps there are no other possible Ways and Means left to supply the State, but by making 'em disgorge, and but by bringing them to a Restitution, yet they will pretend that all Motions leading thereunto, and all Inquiries of this nature, are nothing but the Effects of Discontent, and the Result of Faction.

And because, in all their Doings and Councils, they have never had any view but their own Private Profit, they will do their best to perswade the World that no man acts upon Principle, that all is sway'd by particular Malice, and that there is not left in the Kingdom any party of men which consult the Public Good.

They who are conscious of their Guilt, and apprehensive that the Justice of the Nation should take notice of their Theft and Rapine, will try to give all things a false Turn, and to fill every place with false Suggestions: Sometimes they will accuse Innocent Persons, that so, by putting the People upon a wrong Scent,
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they may avoid the Pursuers, and scape unpunish'd : At other Seasons they will boast of the Number of their Friends and Adherents, thinking to awe both the Court and Country with an Opinion that their Party is too Strong and too Powerful to be resisted.

And, that the knowledge of their Crimes may never reach the Prince's Ear, they will endeavour to engross him to themselves, by misrepresenting all others that are not of their Cabal, either as disaffected to his Person, or as Enemies to Kingly Government. Thus they did heretofore ; and tho there were truly but two parties in *England*, consisting of those who would promote male-administration, because they got by it, and of those who desired things might be well Govern'd, that they, and such as they represented might be eas'd ; which two sides were heretofore distinguish'd by the Names of Court and Country Party ; to which likewise they could have put an end, whenever they had pleased to have minister'd less occasion of Complaint ; yet they will revive old Names of Distinction, giving odious Appellations to the best Patriots, pretending there are dangerous Factions form'd, so to frighten the World with Phantoms of
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their own Creation. These false turns they will give, and these wrong Suggestions they will make, in order to drive all power into what they call their own party, as if any Prince could be safe that should rely upon so Narrow and Rotten a Bottom.

And when their Actions shall hereafter come to be examin'd in that place to which our Constitution has intrusted the Inquiry into, and the punishment of such Offences, 'Tis probable That up will rise some Arrogant Man more Zealous for Himself than for his Master, and cry, *All that we have given among one another we have deserved by our Services, and Labours in the State; what Projects have we not set afoot, and what summs have we not procur'd? Did not the Ministers in King Charles's Reign give away the Crown Lands; Recal those Grants, and we are ready to surrender ours, Resume all or none: 'Tis next to Demonstration that these Clamours arise from a Discontented Party, who would disturb the Government; they who look into our Proceedings act out of Malice, because of the great things we have done against France; what if such a one got a hundred thousand pound at once, did he not save the Nation? If we are us'd thus, what Encouragement will there be to serve Princes;*

ces ? For my part I will never meddle more in your Business ; All this tends to lessen the Monarchy, invade the Prerogative, and to set up a Doge of Venice. I Sir (perhaps there may be added) and the Majority are of this Opinion. By this high Bearing, and these false suggestions, heretofore, well meaning Persons have been frightened from reaching at great offenders, and even the best Patriots, by seeing with what Warmth and Zeal the smallest Corruptions are defended, have been wearied into Silence ; And this has made some of our Kings believe that either the offenders were grown above the Laws, or that the People consented to those things which they did not think fit to punish : But wise Princes see through all this, They know that an honest and faithful Minister will be contented with moderate Favours ; That very often nothing but the ill Contrivance of the Aid belongs to those he employs, and that the Gifts come from the free Affections of the Subject ; That Patterns to Rule by are to be sought for out of Good, not loose Reigns ; That Inspections which look too far backward produce nothing ; That a few may complain without reason, but that there is occasion for Redress when the Cry is universal ; That no
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Military Action, or other Merit, can give a Man a just Title to rob the Publick ; That even good Ministers are thought no more on when they are out, and that certainly Bad ones may retire without being mist ; That absolute Power is not a Plant that will grow in this Soil, and that Statesmen who have attempted to cultivate it here have pull'd on their own, and their Masters Ruin. A wise Prince likewise does not care to see Corrupt Officers so earnest to have one another, for 'tis always at his cost ; Nor does he like that his Ministers when attack'd, should be able to protect themselves in their Crimes by the Power of a Faction ; for they who are Strong enough to bear down the Law ; may presume, in time to think they subsist by their proper Strength, and that they stand upon their own Legs, and so come at last to slight his Authority.

Bad men have ever given a false Colour to their proceedings, and cover'd their Ambition, Corruption, and Rapine with the pretence of their Masters Service ; They make him believe their Greatness advances him, whereas truly it tends to his diminution, and he is often weak for want of that Wealth and Power which they share among one another. Their Riches

Riches has frequently brought Envy upon the Prince, but we can hardly meet with an Instance of any who in his Distress has been assisted from the purses of his Ministers, for they are commonly the first who fly from his Misfortunes: And tho they pretend that his power is rever'd in them, and that they make him Strong by the Benefits he lets them bestow, yet a Wise King sees through all this Artifice, and knows, That he who would reap any Advantage from his Favours in the Opinions of Men, must make 'em sensible that they owe them singly to his Goodness, and not to the Intercession of those about him.

But of all the false Suggestions made by those who have arriv'd at a great power by wicked Arts, none have prov'd so dangerous as these, which, in former Reigns have been frequently insinuated in the Cabinet. *Sir, we are your only Friends, stick by us and we will stick by you. Our Measures are displeasing to the People, so were those of former Ministers. A few well united, and in one bottom, have guided this Nation, and with hard Reins, as Witness the Times of Cromwel. Mind not the Qualifications of any man for this or that Office in the State, Is he with us? If he be hearty it ought to cover all other*
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Defects. Turn out, and discountenance such as are not intirely with us in all our Councils. Make your Court of a piece. Let none presume to be directed by his own Conscience, or Reason; ought they to be in your service who dare think your Ministers can be in the wrong? Why do such and such Great Men refuse such and such Employments, is it not plainly out of Disaffection to the present Government, or that they like Popularity better than any favours you can bestow upon 'em? Many are infected with Republican Principles, and several have an Eye towards the other side of the water. Have not other Hands been tryed and found resty; but we stick at nothing. The other Party has been made use of, but 'twas thought fit to lay 'em aside. 'Tis indeed pretended that with them is the Integrity, the good Opinion of the Nation, the Substance, Learning, Parts, Knowledg, and Experience in affairs; however we are more diligent, and better united. But does not there lye a kind of Necessity upon you to make use of us, and of us only? Does the other side make any Offers to come in? Loaded as they say we are with the Publick hatred, and tho we may be thought unfit to carry on your Business, yet 'tis better joining with us than to stand alone. Is not the other side cold and reserv'd, and do not the best men among

'em refuse to meddle in the Administration?
with such like false whispers, in former Reigns, the Ears of Princes have been poison'd, And by these pretended Friends they were induc'd to Purge, as they call it, till the Body Politick was quite exhausted of all its good Spirits: Such a one, who had done a thousand faithful Services, must be laid aside, because his just Fears would not permit him to give into the last bad Measures. This Man was against me; we suspect such another; Some are too cautious, some to discerning, Others left us in such an important Vote; And they grow to that Presumption, by degrees, as to advise that a whole Party should be frown'd upon, depress'd; and utterly trodden down; And thus they Lop, and Lop, on this and that hand, cutting away the Tall, Sound, and Substantial Timber that us'd to shelter 'em from the Winds, till, in the End, they leave the Government a Trunk naked, defenceless, and obnoxious to every storm; But when they proceed so far as to get the Prince to declare openly for one, and against the other Side, they lay the Ax to its very Root.

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Some Kings have thought it Politick to nourish Factions in their Court, but then they preserv'd themselves Neuter, and so made both sides subservient to their Designs, and even this has been rather esteem'd Subtlety than Wisdom; but no Prince, that could help it, did ever let Faction grow National; However, if 'twas out of his Power to prevent this Mischief, 'twas never thought Prudent in him to list himself on either Side; And *Henry the 3d of France* is a memorable instance, how fatal 'tis for the Sovereign to become the Head of any Party.

Partiality is the little Weakness of Private Men, and unbecoming the Greatness of a Prince, whose Favour should shine upon the whole Body of his People, as the Sun sheds his benign Influence upon the universal Face of Nature, not warming one Part of the Globe only; If it can be compass'd, He should quite root out Faction, but if the Disease be too inveterate to be cur'd, without doubt 'tis a Point of the highest Wisdom for him to bear himself evenly between both, so that neither Side may despair of Favour, or at least so carry it that both Sides may remain in full Assurance to find

find equal Justice. Nor is it impossible to contrive Matters so as to beget an Emulation in Parties which may produce good Effects, that is, by wise Governing it may be so ordered, that both Sides shall be at strife, not which shall flatter most, but which shall do the Prince and the Publick the most honest, and the most faithful Service ; And this is done, when, without any regard under what Banners, in a divided Country, Men had list'd themselves, those Persons are pitch'd upon for the Ministerial Part of Government, who are most remarkable for their Capacity, Experience, Integrity, and Knowledg in Affairs; And a Prince who makes such a Choice of Ministers, will soon beget a Virtuous Emulation between the Factions, and set both Sides upon striving which shall serve most cheaply, with the fewest Selfish Designs, and which shall handle his, and the Nations Money, with the cleanest Hands: But when by the favour of those that Rule, one side is become much superior to the other, this Virtuous Emulation ceases, and both sides contend, only to put one another in the Wrong, each side obstructing what the other moves, let it be never so much

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for the Publick Good : But when the Mischief is grown to such a height, that being of a party, is to be the Principal, if not the only Recommendation, then the Hottest Men, who are generally the Worst, and Corruptest Members of it, are sure to have the most Power ; And when the Administration is in their Hands they proceed without Comptrol , for the side which should oppose them is discountenanced, frown'd upon, out of Credit, and discourag'd from Inquiring, because their Inquiries are blacken'd and misrepresented ; And when all this happens, They who have the Power , rob the Prince, waste his Treasure, and run him into immense Debts : Thus Kings heretofore who shew'd themselves partial to a party, had the service only of the worst part of their People, and their Reigns were commonly anxious and unquiet, because when engag'd with a side, they were often forc'd, against the Nature of their Office, to protect the Bad against the Good, and even to defend the Male-administration by which they suffer'd.

They who were for Engrossing the Prince to Themselves, and who endeavour'd to make him Suspect all others, gave

gave their pernicious Advice this false Turn, That because many Great Men retir'd, and because neither They, nor such as were call'd of their party, shou'd any Inclination to meddle in Business, it must be that they meditated something else, and bore ill will towards the present Government. Indeed, the Ambition of Mankind considered, it was a wonder, in former Reigns, to see Persons, the most conspicuous for Understanding, deep Reach and Experience, employ their time with their Books in making Gardens, or in Building, and that they should not rather seek those Dignities, to which their Birth and Superior Abilities did in a manner give 'em a just Right. Why did they let the chief Offices of the State be polluted by mean Hands? Why did they suffer others to ruin that Country which was in their Power to save? And why all this Philosophy in so light and busie Times? Why has there been now and then a kind of a Press issu'd out for Ministers, so that as it were the Vagabonds and Loyterers were take in? Why have some Men been condoled by their Friends for having been drawn in to take a

Great Place, and why have others been universally Congratulated when turn'd out, tho with Marks of Displeasure ? when all this happen'd it could not be without a Reason, there must have been some Strong Inducements that should move the Prime Persons of a Nation to shun Employments attended with Power and Profit. No doubt, in former Reigns, it was Because they did not like the Administration of affairs, nor the Persons with whom they were to be joyn'd ; Because they perceiv'd dark Designs carry'd on against our Liberties, and that they were not willing to mix in desperate Councils, nor to participate in the Blame of what they should not be able to hinder ; Because they saw the Prince Robb'd by those about him, his Crown Lands all shar'd and given away, and his Treasure wasted, and Because they saw Things done that would bear no Inquiry, and that could never be justified before the People.

They knew that our Laws put little Difference between a Minister who contracts actual Guilt himself, and him who permits others to commit a Crime, which by the Authority of his Office he might have prevented ; Therefore when bad Things

Things were in Agitation, and when destructive Advices were promoted, Some have refus'd Employments, others have laid down White Staves, the Secretaries Seals, the Privy Seal, the Great Seal, and other Offices of high Trust, rather than Act against their Masters true Intérest, and the Constitution of their Country. And for these Reasons, in former Reigns, the Ablest and Greatest Persons in the Nation, and sometimes whole Parties of Men, have refus'd to meddle in the Employments and Business of the State.

But when these Errors may be corrected, which a few commit at the Expence of the whole Kingdom, when things will bear a right Administration, when the Nations Money may be frugally managed, when the Thefts upon the Public can be look'd into and Punish'd, when those Servants may be call'd to an Account who have broken their Trust, and in their Offices consented to the Plunder of their Master, When true Order is promoted, When that Thrift can be set afoot which will ease the People in their Taxes, When the pleasant Work of doing Good is to be perform'd, and ~~When~~ they have not before their Eyes

INTRODUCTION.

the frightful and heavy Task of supporting ill Conduct. All persons will embrace the Government, All parties will cheerfully come in, and the best Men will be the most Eager to assist the State. with their Purfes, Councils, Endeavours, and Affections.

And thus we hope to have fully answer'd their Arguments who would deter a Prince from looking into their Corruptions, by making him believe, that thereby he will injure his only Friends, and who would narrow his Interest by confining his Favours to their Party.

A King never wants assistance who will look into abuses, and their Faction whose Interest it is to protect Male-administration, will be found very weak when He is earnest to have what has been amiss amended, because but a few are Gainers by Misgovernment, and a Multitude are injur'd by it.

But as all Seasons are not proper for Physick, so all Times are not fit for purging the Body Politick; Times of Action and War are not so convenient for such Councils as tend to correct Abuses in the State. Perhaps during the late War, some Things may have been
done

done in *England*, which the King, in his high Wisdom, may think necessary to animadvert upon now when He is at leisure from his Business in the Field; And no doubt when He goes upon so good a Work, He will be assisted by all the best Men of all parties, and by the whole Body of his People.

The Writer of these Papers has constantly endeavour'd to make his Studies tend to the Service of the Publick, and his Aim has been to incite in Young Gentlemen a Desire of being acquainted with the Business of the Nation, and this knowledge lying under abundance of Rubbish, his Scope has been to remove this Rubbish, and to dress up crabbed Matters as agreeably as he can, and to give as it were, short Maps of Things which others will not take the Pains to travel through themselves: In order to which he has devoted his Hours of Leisure to Inquiries into the Trade and Revenues of this Kingdom; And not serving his Country in an active Life, he hopes to make his Solitude and Contemplation of some use, so as to show himself not altogether an unprofitable Member of the Commonwealth.

And

And the Parliament having last Sessions Constituted Commissioners for Inquiring into and Taking an Account of all such Estates, both Real and Personal, within the Kingdom of Ireland, which have been Forfeited for High Treason by any Person or Persons whatever, during the late Rebellion within that Kingdom. And the House of Commons (as appears by their Printed Votes) having directed that the Grants of the Crown Revenue in England should be laid before 'em; and it being Notorious that almost all the Land remaining in the Crown of England at the Revolution, and that much the largest Share of the late forfeited Estates in Ireland, are now got into Private Hands; And the People at this time lying under a great Variety of New Taxes, And the Necessities of the State being very pressing, And the Publick lying under many heavy Engagements, and the Honor of the Nation being in a manner at Stake to make good several Deficiencies. *All Ways and Means* of Raising Money being likewise difficult to the last Degree, It appearing also reasonable to consult the Land Interest, and at last to give the Landed Gentlemen some Ease, Who have born the chief Burthen of the War; And no Fond being

Inclined Taxes

being large enough to come in the Room, and Place of Land, except the late Forfeitures in *Ireland*; And all Men thinking it but just and fair that the War in *Ireland* should pay some part of its Expence, our Debts likewise being so immense, that every thing should be look'd into, and all possible Thrift thought upon, Mankind also abhorring to behold a Few enrich'd with the Spoils of a whole Country, and to see private persons accumulatiug to themselves vast Wealth in this Poverty of the Publick, And the Universal Voice of the People seeming to call for some kind of *Resumption*, The writer of these Papers thought it might not be unseasonable to publish a Discourse upon *Grants*, in handling of which subject he purposes to take the following Method.

First, he will show how the Greatness of the *Romans* took its rise from the Thrift that was shown in all Matters relating to the Publick, That this Wise Nation made almost every Foreign Expedition bear its own Charge, That the best of their Emperors were the most Frugal, That such Emperors did not look upon the Treasure and Revenues of the State to be their own, and absolutely at
their

their Disposal, but always thought that the Publick, and the Commonwealth, had an Interest in it, That when the Treasure and Revenues of the State were exhausted by Prodigality, it made way for the Invasions of the Northern People, and at last produc'd the utter Ruin of the Empire. This will be the Subject of the Second Section.

In the third Section he will show how careful our Ancestors in *England* were at the forming this Constitution, to make ample Provision for maintaining the Kings Crown and Dignity, And that when those Lands and Revenues had been parted with, which were allotted for his, and the States Service, Parliaments have seldom fail'd to relieve, and restore his Affairs by Acts of Resumption.

In the fourth Section he will show how our Ancestors have handled such Ministers of State, as in breach of their Trust, did presume to procure to themselves Grants of the Kings Lands, And how both this Nation, and other Countreys have proceeded with those who did embezzle, or convert to their own use the Revenues of the Prince.

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In the fifth Section he will state the present Deficiencies in diverse Fonds, and offer several Reasons why the Forfeited Estates in *Ireland* ought to be apply'd towards Payment of the Publick Debts.

SECT.

S E C T II.

Observations upon the Management of the Romans in their Publick Revenues.

IT may not be amiss to give the Prospect of a vast Empire, rais'd to its Greatness by Wisdom and Frugality, and ruin'd by Profusion and ill Conduct: the only use of History being, To give us good Rules, by which we should square our own Actions, and to mark out the Shelves, and Rocks, upon which other Governments have split, that thereby we may learn to steer our own Course better, and to avoid the like Dangers.

Macrob. l.
1. Saturnal. c. 6.

Valerius Publicola was the first who order'd that the Revenue accruing to the Commonwealth should be laid up in the Temple of *Saturn*, perhaps that the Reverence of the Place might make it be held

held the more Sacred. They lodg'd there two sorts of Treasure, the one in daily use, consisting of Tributes and ordinary Payments, the other was call'd the* *Aurum Veceffimarum*, which was not ^{Tit. Liv. l. 27.} to be touch'd but in cases of the last Necessity. 'Tis true, for some Ages the Publick had but little occasion for Money, because, till the Siege of *Veies*, which was about Three hundred and Fifty Years after the Foundation of the City, their Soldiers had no stipend. However to have a reserve, which might answer any great Emergency, well suited with the Foresight and Wisdom of that People. As their Empire grew, and as they entertain'd Thoughts of enlarging their Dominion by distant Conquests, they became more solicitous to gather such a stock as might uphold the State in times both of War and Peace, without Burthening the Plebeians (a matter by them ever carefully avoided) in which they were very much assisted by the virtue of those to whom they intrusted the Command of their Armies, of which for a long time every one behav'd himself like a faithful Steward to the Commonwealth, accepting exactly for such Spoils as were made upon their

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Enemies. To the Common Treasury were brought the Riches of *Carthage*, *Sicily*, of the Cities of *Asia*, of the Kingdom of *Macedonia*, and of the other Conquer'd Provinces of *Greece*. Their Generals, as well as their Statesmen, did not think of building up Fortunes to Themselves, but of enriching the Commonwealth: And till some few years after the last *Punick* War, we hardly read of any one who grew Wealthy by the plunder of Provinces. In the following Age, indeed several began to convert to their own use part of the Spoils gotten abroad, but they were Men that hatch'd wicked Designs against their Country, and who thought private Wealth an Engine very needful for such as purpos'd to overthrow publick Liberty; of which number were *Marius*, *Sylla*, *Pompey*, and *Cæsar*: Among these Robbers of the World *Lucullus* may be reckon'd, who perhaps had the same Intention as the rest of enslaving *Rome*, but 'tis probable the Mutiny he found among his Soldiers after his famous Victories, and wonderful conduct, made him out of love with Action, so that he employed in a quiet Life, joyn'd with excessive Luxury, what the others made sub-

subservient chiefly to their Ambition : Not but that his Riotous Pomp had in its Example Effects very dangerous to Liberty, since it is a necessary Ground for all free Governments, that as well the manner of Living, as the Estates of the Citizens, should bear some sort of Equality. However, tho these men minded their own Concerns more than became good Patriots, yet all of 'em enrich'd their Country, and the vast summs of Gold and Silver brought into the common Treasury, made a principal part of their Triumphs.

Besides, they who had the Management of Affairs took Care that every War should at least maintain itself; which they did by laying a Tribute upon the Conquer'd Nation. *Fabritius* having overcome the *Lucani*, *Brutii*, and the *Samnites*, † *Militem ditavit & quadringenta Talenta in Ærarium retulit*, whose Example * *Julianus*, propos'd to himself and Soldiers. *Scipio* in his Treaty of Peace with the *Carthaginians*, oblig'd them to the Payment of ten thousand Talents in fifty years; † *Decem M Talentum Argenti discripta pensionibus equis in annos L solverent*; over and above which *Argenti tulit in Ærarium pondo Centum*
E Mil-

† Dionissii
Fragm.
Lib. 6.

* Ammian.
l. 24.

† Tit. Liv.
l. 30.

- Millia XXXIII. And in the Treaty between T. *Quintius Flaminius* and K. *Philip*, one Article was, † *Mille Talentum daret Populo Romano : dimidium presens, dimidium pensionibus decem annorum.* Nor did Spain afford an ill Crop, from one part of which *Cornelius Lentulus* brought
- * *Auri Mille & Quingenta pondo quindécim, Argenti Viginti Millia, Signati Denarios triginta quatuor Millia, & quingentos quinquaginta :* And from the other part, L. *Sertinius* quinquaginta Millia pondo Argenti. And from whence not
- † Tit. Liv. l. 33. long after *Helvius* brought † *Argenti infecti quatuordecim Millia pondo Septingenta triginta duo : & Signati bigatorum XVII millia XXIII. & oscensis Argenti CXX Millia CCCCXXXVIII.* And Q.
- * Ibid. *Mimutius* within two Months after, * *Argenti pondo triginta quatuor Millia octingenta : Bigatorum LXXVIII Millia, & oscensis argenti CCLXXVIII Millia.* For which reason *Porcius Cato*, who was at the same time in Spain, sent back the Purveyors who came from Rome to provide Corn for the Army, with this memorable saying, *Bellum seipsum alet.* The same T. *Quintius Flaminius*, when he made Peace with *Nabis* Tyrant of *Sparta*, oblig'd him to pay † *Talenta centum*.
- † Ibid.

argenti in presenti, & quinquaginta Talenta in Singulos annos per annos octo. Porcius Cato when he Triumph'd for the Conquest of Spain lodged in the Publick Treasury * *Argenti infecti XXV millia pondo, Bigati centum viginti tria millia, oscensis quingenta quadraginta: Auri pondo mille quadringenta.* T. Quintius Flaminius when he Triumph'd for the Victories in Greece, brought home † *Infecti Argenti decem & octo millia pondo, & ducenta LXX facti & auri pondo tria millia septingenta quatuordecim,* besides an infinite mass of other Treasure. The Conditions propos'd by Scipio Affricanus to the Ambassadors from King Antiochus, and which were afterwards accepted with very little alteration, were † *Pro impensis deinde in bellum factis Quindecim millia Talentum Euboicorum dabit. Quingenta presentia, duo millia & quingenta, cum Senatus Populusque Romanus, pacem comprobaverint, mille Talentum per XII annos.* Lucius Scipio when he Triumph'd for the Conquest of Asia brought home * *Argenti pondo CXXXVII millia; & CCCCXX* besides Plate, and Gold and Silver coin'd. Cn. Manlius when he Triumph'd for his Victories in Gallo-Gracia, besides other Wealth, brought home

* Ibid.

† Ibid.

* Tit. Liv. l. 37, 38.

† Tit. Liv. l. 37.

* Ar-

* *Tiv. Liv* *Argenti pondo CCXX Millia, Auri pondo MMCI.* And 'tis observ'd that when *Æmilius Paulus* had subdu'd *K. Persens*, † he lodg'd in the Publick Treasury such † *Plut. Vit.* a mass of Wealth, that there was no need of raising any kind of Taxes till the Consulship of *Hirtius* and *Pansa*. *Sylla* after the two Battles with *Archelaus* the Lieutenant of *Mithridates* near *Cheronea* and *Orchomenus*, laid a Fine upon *Asia Minor* of * twenty Thousand Talents which answers to near four Millions of our Money. *Cato Uticensis* brought from *Cyprus* Seven Thousand Talents (above thirteen hundred thousand Pounds of our Money) which he made by the Sale of the Jewels, Plate, Householdstuff, and other Riches, of the *Ptolomy* who poison'd himself in that Island, and the Exactness with which *Cato* proceeded in that Commission, is a Noble Pattern for such to follow, as will handle Matters of Government with Integrity and Virtue.

† *Plut. Vit.*
Paul. *Æ-*
mill.

* *Plut. Vit.*
Syllæ.

The Design of these Papers being to stir up in the Minds of Young Men Zeal to their Country, and a love to Public Honour, we thought it not amiss to lay before 'em these Examples of antient Thrift and Oeconomy, by which *Rome* was enabled to manage so many, and so expensive Wars : From whence may be very well in-

infern'd, that this Commonwealth had never reach'd to so high a Pitch of Greatness, if their Commanders abroad had been permitted, without any Accompt, to convert to their own use the whole Spoil ; Or if at home, the Consuls, Prætors, Ædiles, or (which is yet worse) if the Quæstors, or Treasurers, had been allowed to procure Grants to themselves, from the Senate, of such Lands, as from time to time, accrued to the State by right of Conquest. On the contrary, had this sort of negligent and foul Conduct been suffer'd in their affairs, that Ruin must have happen'd long before, which came upon 'em as soon as they grew corrupted.

No Empire was ever great and strong enough to carry on long Wars without any other Fond but its own Revenues, and those Nations which have attempted it have been quickly exhausted ; For a tedious Course of high Taxes raised to maintain Armies abroad, will as much impoverish the Invaders, as the Excursions and Depredations of a sudden war destroy the Invaded ; and where matters are not so wisely order'd, as that the Invaded are compell'd to pay the largest part of the Reckoning, the Conquerers will, in no long Tract of time, be brought to as bad a Condition as the Conquered People.

The Romans took their Measures better; They made very few barren Expeditions; And tho Dominion and Glory might be their principal aim, yet 'tis evident they had something else in view, or at least that they generally took care to be paid their expences, which they brought about sundry ways; From some vanquish'd Nations they took part of their Territory, sending thither Colonies of their own, by which, at one and the same time, they disburthen'd themselves of a great many Indigent People, and Planted so many Strong Garrisons to secure their Conquests. Other Countries they reduc'd to Provinces, taking to themselves part of the Tributes which the Natives before paid to their Tyrants. To other Places they allotted the Payment of a certain quantity of Corn, from others they requir'd the furnishing of Ships of War, and Ships of Burthen: * *Sylla* compell'd *Mithridates*, at their Interview in *Troas*, to deliver to him seventy Gallies with all their Trim. They took either Arms, Ships, Soldiers, Mariners, or Provisions, from well nigh all the Nations that were honour'd with the Title of Allies and Friends to the People of Rome, who were no better than Tributaries under a softer name.

† Plut. vit
Sylla.

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By these Courses, as they enlarg'd their Empire, they increased the Publick Revenues.**Pompey* by his Victories brought the ordinary Income of the State from what before answer'd to about 1,250,000*l.* of our Money, to 2,250,000 *l.* per *Ann.* which was yet farther augmented afterwards when the *Gauls* and *Egypt* became Provinces of *Rome*.

* *Plur. vit. Pomp.*

The Money lock'd up in the Temple of *Saturn* was rarely touch'd; we do not find any considerable sum drawn from thence till *Hannibal* had been in *Italy* ten years, about which time twelve of the 30 *Latin Colonies* refusing to give any Assistance to the Commonwealth, In this danger, † *Cetera expedientibus quæ ad bellum opus erant Consulibus, Aurum Vicesimarium, quod in Sanctiore Ærario ad ultimos Casus servaretur, promi placuit Prompta ad quatuor millia pondo Anni.* But when *Cæsar* invaded the Liberties of his Country, this sacred Treasury was ransack'd. *Apian Alexandrin* says, * *Intactas ad id temporis Pecunias abstulit. Florus* says, speaking of this Action, † *Nec Pompeius ab Italia quam Senatus ab Urbe fugatur prior, quam pæne vacuam metu Cæsar ingressus Consulem Seipse facit, Ærarium quoque Sanctum, quia tardius aperiebant Tribuni, jussit effringi.*

† *Tit. Liv. l. 27.*

* *Bell. Civ. l. 2.*

† *L. Florus l. 4. c. 2*

† Tom. 1.
Chron. 1.
7. c. 8.

cenſumque & patrimonium populi Romani antea rapuit, quam imperium. Some pretend to tell the exact ſumm which he drew from thence, *Freculph. Luxoviens* ſays thus, † *Cæſar Romam venit negatamque ſibi ex ærario Pecuniam fractis foribus invaſit protulitque ex eo Auri pondo quatuor millia centum triginta & ſex, Argenti pondo nongenta Millia.*

The ordinary Revenue of the Empire ariſing from the Colonies and Provinces, was likewise without doubt very much impair'd by the Civil Wars between *Cæſar* and *Pompey*, and between *Cæſar* and *Pompey's* Sons, as alſo by the Civil Wars which *Auguſtus* maintain'd with *Brutus* and *Cæſſius*: And certainly the Provinces were enough harraſſ'd when they were divided between *Auguſtus* and *Marc Anthony* (whoſe Luxury alone was ſufficient to impoveriſh many rich Nations) and the Ruin of theſe Miſerable People was yet more increas'd when *Auguſtus* and *Anthony*, in a long Civil War, contend'd for the Dominion of the whole; but when he began to Reign alone (which he did 44 Years) and as ſoon as he entertain'd Thoughts of transmitting the Empire to his Family, he ſet himſelf to put the Revenue in order, and to enrich

inrich the Publick, as other Great Men had done before him. But bearing, as he did, a great Mind, his Principal Care was to embellish the City with Magnificent Buildings, † *Urbem neque pro Majestate Imperii Ornatam & inundationibus incendiisque obnoxiam excoluit adeo, ut jure sit gloriatus, marmoream se relinquere quam lateritiam accepisset.* However, he did not neglect to gather Treasure, of which the Money *Tiberius* left behind him is a Manifest Proof, for *Tiberius* himself, among his other Vices, was not Covetous, *Satis firmus ut sæpe memoravi adversum pecuniam.* Tis true, a great Estate did now and then tempt him to Cruelty, but this happen'd rarely, and yet at his Death there was treasur'd up a prodigious Summ, **Vicies ac Septies Millies HS.* which reduc'd to our Money makes 21,093,750*l.* A wealth even in this Age perhaps not to be equall'd by any of the Eastern Kings, all which his Successor *Caligula* squander'd away in less than a Year, † *non toto vertente anno absumpsit.* *Tiberius* was a wary man, and no waster, but it seems very probable that this immense sum was chiefly gather'd together under the long and peaceful Reign of *Augustus*, who had one Quality that never

† Suet. D.
Oct. Aug.

† Tacit. l.
3. An.

*Suet. Calig.
lig.

Suet. D.
Oft. Aug.

never fails to make a Prince rich, which was that he look'd after the Publick Accompts ; for of the three Books he left deposited in the Hands of the Vestal Virgins, one was * *Breviarium totius Imperii, quantum militum sub signis ubique esset, quantum Pecunia in Aërario & fiscis & vectigaliorum residuis. Adjecit & Libertorum Servorumque nomina a quibus ratio exigì posset.* From which Place of Suetonius two things are observable, 1st, That this wise Prince in the Rules he left behind him for future Government (these Books being of that Nature) desired that there might be a difference made between the *Aërarium* and the *Fiscus*, reckoning one the Revenue of the Commonwealth, and the other his own private Patrimony, out of which he gave those Legacies that he bequeath'd to *Tiberius, Livia, Drusus, Germanicus*, and to the People of *Rome*. 2dly, That he left a kind of an Intimation that he would have his Successor call such of his Servants and Ministers to Accompt as had any ways defrauded the Publick. That he made the fore-mention'd Distinction is plain from this, that tho he left the Commonwealth in so flourishing a Condition, yet in his

his Will he excus'd the smalness of his Legacies from the Streightness of his Private Fortune; † *Excusata rei familiaris mediocritate*; alledging there would come very little to his Heirs, tho he had in twenty years inherited from his Friends *quaterdecies Millies*, that is, 31,250,000*l.* and tho he had succeed- ed to two Paternal Patrimonies, all which he had expended in the neces- sary Services of the State. The Dis- tinction between the Prince's and the Publick Revenue continued under all the good Reigns, and the better the Prince was, the more carefully he mind- ed that Poverty should not grow upon the Publick, as the only means a good Ruler has to avoid burthening the People with Taxes. This Distinction appears from many Passages in the Ro- man History, we shall take notice on- ly of some: *Spartianus* speaking of the Emperor *Adrian* says, † *Damnatorum bona in Fiscum Privatum redegei vetuit, omni summa in Aerario Publico recepta.* † *Spartian. in Adria- no.* *Pliny* in his Panegyrick upon *Trajan* says, *At fortasse non eadem Severitate Fis- cum, qua Aerarium Cohibes? Imo tanto majore, quanto plus tibi licere de tuo quam de publico credis.* *Tacitus* says * *Et ho- na* * *Tacit. l. 6. An.*

na Sejani ablata Ærario ut in Fiscum cogerentur tum retulere Scipiones. Heo & Silani & Cassii iisdem forme aut Paulum
† Lib. ib. immutatis verbis adseveratione multa censebant. And in another place, † Post quos Sex : Marius Hispaniarum ditissimus desertur incestasse Filiam & Saxo Tarpeo dijicitur, ac ne dubium haberetur Magnitudinem pecunie malo vertisse aurariasque ejus, quanquam publicarentur, sibi met Tiberius seposuit. Nero, amongst other things promis'd the Senate, * Nihil in Penatibus suis venale, discretam domum & Rempublicam, Teneret antiqua Munia Senatus; That nothing should be Venal in his Palace; That his own, and the Revenue of the Commonwealth should not be confounded together, and that the Senate should enjoy its antient Priviledges. This Speech he made at the beginning of his Reign, when he was guided by the Counsels of Seneca, who, as Tacitus takes notice, penn'd the Oration. And no doubt there could not have been laid down to a young Prince a better Platform for his future Government; And there is a Reason to think that the Philosopher, who had well enough founded the Inclinations of his Pupil, had then a mind to suggest

* Tacit.

Ann. 13.

gest to him, that his Paternal Fortune, with the Infinite Wealth which was to descend to him from his Mother *Agrippina*, would be sufficient to supply those Pleasures to which he saw his youth addicted, and that it would be for the safety of his Empire to set aside the Publick Revenue for the Uses of the Publick : While he kept to these Rules, his Reign, tho not quite Innocent, however was not so Monstrous, but when his Flatterers had made him believe that the whole world was *Cesar's* Patrimony, then he ran headlong into all sorts of Cruelty and Riot; For he thought all things were permitted to him, who was Lord of all, and that no Prodigality of his could exhaust such a Revenue as the Dominion over the whole Earth must yeild : These Imaginations made him enter into Prodigious Expences in Banquets, Buildings, and upon his Minions; So that he wasted in a short time what had been hoarded up by his Predecessor *Claudius*, the infinite Riches he had from his Mothers Succession, and what came to him from the Confiscation of *Seneca's* Wealth, which amounted

Tacit. l. 13 mounted to 2,343,750. † *Ter Millies*
 An.; HS. And when his Gifts were look'd in-
 to by *Galba*, it was found that he
 * Tacit l. had this way consum'd what answers
 1. Hist. in our Money to 17,187,500 l. * *Bis*
& vicies Millies HS. Donationibus Nero
effunderat.

Tho the Servile part of Mankind are
 apt to extol profuse Princes, yet who-
 ever considers the Story of the *Roman*
 Emperors will find, that their Vices took
 rise principally from this profuse temper,
 and by contemplating their Lives he will
 see, that Prodigality drove 'em into
 Want, Want into Rapine and Extortion;
 when they had oppress'd the People
 they became Odious, when they were
 Hated they grew Fearful and Suspicious,
 Fear and Suspicion made 'em immediatly
 dip their Hands in Blood, and this ever
 was and ever will be the Natural Pro-
 gress of Tyranny, as particularly ap-
 pears by the actions of *Cains Caligula*,
Nero, *Vitellius*, *Domitian*, *Commo-*
dus, *Julianus*, *Antoninus Caracalla*,
Heliogabalus, and those other Mon-
 sters under whom the World groan'd
 for many years, and who by their
 Profusion were first led into Rapine
 and Murder.

And

And as a further Instance how fatal the Prodigality of Princes is to their Nations, The Roman Empire was so distress'd by the Riots and Expences of Nero, Otho, Vitellius, who altogether, (including Galba's time) reign'd but fifteen years and eight months, according to *Dion Cassius*) that when *Vespasian* took the Government in hand, he declar'd the Commonwealth could not subsist, unless Ways and Means were found out of raising what answers to 312,500,000*l.* of our Money, † *Professus Quadringentis Mil-* † *Suet. T.*
lies opus esse ut Resp. stare possit. Into *Fl. Vesp.*
such an immense Debt was the Empire brought by *Tigellinus*, *Nymphidius*, *Patrobinus*, *Polycletus*, *Vatinus*, *Elius*, *Titus Vinus*, *Cornelius Laco*, *Icelus*, *Cecina*, *Fabius Valens*, *Asiaticus*, *Marcellus Eprinus*; and the other Rapacious Ministers of State, who under those dissolute and negligent Reigns, devour'd the Commonwealth; Insomuch that *Vespasian*, a most excellent Prince, who came to rescue his Country out of these destructive hands, when he went about to disengage the Publick, and to put the Empire into a posture of Defence;
was

† Ibid.

† Ibid.

was forc'd, against his Inclination, and the Goodness of his Nature, to oppress the People with Taxes; † *Ad Mammbias & Rapinas necessitate compulsus, summa Aerarij Fiscique inopia*; by which it appears how much it imports the Ruler of a Nation, with careful Eyes, to look after his Treasure, since the want of it may compell him to actions, for which, at the time, and in after Ages, his Virtue will be censur'd: For tho' this Wise Emperor had nothing in his thoughts but the good of humane kind, and tho' this Character be given of him, *Tha- male † Partis optime usus est; In omni humanum Genus liberalissimus, explevit censum Senatorium, Consulares inopes sustentavit, plurimas per totum orbem civitates terræ motu, aut incendio afflictas restituit in melius. Ingenia & Artes vel maxime fovit.* And tho' these and many other Noble things are said of him, yet he is reproach'd with his ways of raising Money, for not only he set up again several Impositions abolished by Galba, but he added new and more heavy burthens, he augmented the Tributes of the Provinces, and in some Places doubled 'em. He him- self

self exercis'd divers sordid Monopolies ; He made an open Traffick of Honors, Employments, and Pardons ; He put into Offices of Trust the greatest Harpies he could find, that himself might afterwards have the squeezing of 'em for their Oppressions ; All which doings are so many Blots upon his Fame. If then the wants of the State could force the best of Men upon the worst of Actions, how carefully should Princes avoid being reduc'd to such Necessities.

How far *Vespasian* proceeded in disengaging the Publick from the Debt of 312,500,000*l.* History is Silent, but we may presume he and his Son *Titus* (who between 'em govern'd upwards of twelve Years) went a good way towards putting things in order, however all was again unravell'd by the younger Son *Domitian*. But the Golden bunch of Flesh which *Domitian* dreamt grew out behind his Neck, that is, the Succeeding Emperors, *Nerva*, *Trajan*, *Adrian* and *Antoninus Pius*, whose Rule took up about Sixty four Years, gave the Affairs of the Commonwealth a better Complexion : They had been so careful of the Publick

Revenue, that when *Marcus Aurelius Antoninus* came to the Empire, he found in the Treasury what answers in our Money to * 21,093,750 *l.* This *Marcus Antoninus*, tho in his Nature very bountiful, having given to the People a larger Donative than they had ever seen before, was yet so frugal of the Publick Money, that when he was going upon an Expedition against the *Seythians*, he would not draw any Summ from the Treasury without first having permission from the Senate, affirming, † *That such Money and every thing else belong'd to the People of Rome*; and saying before the Fathers, *He had nothing in particular, no not so much as the House he liv'd in*: This Prince and Philosopher, another time before, being press'd by his Army for a Donative after a Signal Victory, refus'd it with this memorable saying, *The more I give these young Soldiers, the more I must oppress their Parents*. What had been collected in five wise and frugal Reigns, was dissolutely wasted by *Commodus* in twelve Years and Nine Months, insomuch that when *Pertinax* came to the Empire he found in the Treasury (as he declar'd before the Senate) but what answers in our Money to

* Xiphil.
ex Dione
Pertin.

† Xiphil.
ex Dione
M. Anto.

to * 7812 l. 10 s. Whereby 'tis seen * Xi hil.
 that the Prudence of a whole Age^{ex Dione, Pertin.}
 may be defeated in a short space of
 time, if the Prince be either bad in
 his own Inclinations, or if he let
 himself be mis-led by ill Statesmen.
 But whoever considers the Lives of
 such as have rul'd tyrannically, and
 oppress'd the People, will find that
 but few of 'em were wicked through
 an innate temper of their Minds, for
 the Beginnings of the worst Reigns
 were generally blameless, which is a
 proof that the Dictates of Nature
 were right enough. How comes it
 then to pass that so many have go-
 vern'd ill, and why have most of 'em
 rather Inclind to Bad than Good ?
 † *Gnari Meliorum & quæ Fama Clemen-*^{† Tacit l.}
tiam sequeretur, tristiora Malle. The^{4. An.}
 reason is obvious enough, They were
 corrupted by those about 'em; for tho
 their Persons are made Sacred, and
 defended by innumerable Laws, tho
 they are set so much above the rest of
 Mankind in Titles and Priviledges, tho
 their smaller Faults are either forgiven
 or approv'd of, tho they have ample
 Provision made for their State, Pomp,
 and Safety, and tho all manner of ways
 they are sufficiently recompenc'd for the

* Xiphil.
ex Dion.
Sever.

Troubles and Toils they suffer in their Great Office, yet few of 'em will perform it by themselves, but fatally choose rather to commit it to others : Not many of 'em are like *Severus*, who, as he drew his last breath, call'd out, * *Is there any Publick Business to do ? Give it me, That I may dispatch it before I go.* They rather choose what they call a Partner of their Cares ; Minions, Favorites, and Ministers, most commonly first known to 'em in their Pleasures , and afterwards call'd in to their chief Business : To these they leave the whole affairs of the State, rarely looking into any thing with their own Eyes ; And few being Able to defend themselves against those they love and trust, these false friends lead their Master which way they please, but most commonly into the worst, as best suiting with their private Interest. If the Prince be young , they corrupt him with Luxury and Riot ; If old, they try to make him Suspicious, Cruel, and suggest to him designs against the Liberties of his Country, not so much to augment his Power , as to encrease their own ; They endeavour to shut him up as much

much as they can from the sight of his People ; not considering how dangerous Solitude is to Princes, as in the instance of *Tiberius*, * *Qui solus & nullis voluptatibus avocatus mæstam vigilantiam & malas curas exercuit.* But be the Prince good or bad , young or old, they promote and encourage in him negligence in all Publick Concerns, but chiefly such as relate to his Income and Expences , that with less Observati-
* Tacit. l. 3. Ann.
on , and more Impunity , they may prey upon him : for tho Care of Ac-
compts, and in Revenues , does not require a Sublime Understanding, and suits best with the middle Capacities, yet few Princes have minded a Matter so important to themselves , and so much for other Peoples ease ; no doubt diverted from it by such as have had the Management of their Affairs. All the Riots, Expences, as well as the Cruelties of such of the foremention'd Reigns as prov'd bad were principally promoted by the Ministers those Princes had about them ; And even the Fell Disposition of this *Commodus*, of whom we spoke last, was urg'd on to greater Excess and Rage by *Cleander*, who taken from the

Xiphili-
nus Ex.
Dion.
Com-
mod.

Lees of the People, was mounted up to the highest Honours, and for a time had the disposal of all Dignities and Offices, till at last he was slain in a popular Tumult.

But to follow this matter of the Revenue of the *Roman* State as far as we can trace it in their Histories :
 Herod. 1. *Helvius Pertinax* who succeeded *Commodus* did not Rule quite three Months; He endeavour'd to prevent the Rapine of the freed men and Officers of the Court, and to hinder the Robberies and Violence of the *Prætorian* Bands, but he was killed in the attempt, the Court and Camp being then both so deprav'd that they could not bear a grave and frugal Reign, which should be a warning to all Governments, that have any Freedom left, not to let Corruptions of this Nature grow till they are too big to be corrected. *Julianus* came next, having bought the Empire, He endeavour'd by excess of Liberality to gain that Affection which was not due to any Virtue he had, but Princes who endeavour this way to become Popular gain a few at the cost of many, and so are hated by the
 Major

Major part : He consum'd as much as one could do who govern'd but two Months. *Severus* was next elected, whose Reign of near eighteen years was mostly taken up in Civil Wars first with *Niger*, and then with *Albinus* for the Sovereignty, and in Foreign Expeditions into *Parthia*, *Arabia*, *Palestine*, *Egypt*, and lastly into *Brittain* : And tho this was a Reign of War, and tho *Severus* was expensive in Publick Buildings, and magnificent to his Soldiers, having at one time made a Donative to them of what answers to 1562,500 *l.* of our Money, yet he left to his Successor an immense Treasure, which we must attribute to the indefatigable Application he shew'd in the universal Business of the State. And though he may be reckon'd among the Cruel Emperors, yet 'tis observ'd of him that he never hunted after Confiscations, from whence we may infer he grew rich by meer Oeconomy, his Story being an Instance that neither Liberality, War, nor any other Expence, will hurt a Prince who minds his own Affairs.

* Xiphil.
ex Dion.
Sever.

His Son *Antoninus Caracalla* succeed-
ed, who lavish'd among the Soldiers
what his Father had so carefully laid
up, having for above six Years toge-
ther robb'd the whole World to en-
rich them, plundering, confiscating,
and murdering the best Men of the
Empire, to feed the licentious Appe-
tites of his Men of War, and yet he
was kill'd in *Mesopotamia*, in the midst
of that Camp he had so much courted
and favour'd; from whence may be
observ'd, that the Love of Subjects is
not to be bought with Money, but to
be obtain'd by wise Government, and
that all sorts of People, even Soldi-
ers, reverence a Prince more who
by good Conduct keeps something in
his Power to give, than they do him
who gives all away; Expectation and
Hope often carrying Men much fur-
ther than the Sense of past or pre-
sent Benefits.

Among the rest of *Caracalla's* Monstrous
 † Xiphili-
 nus Ex
 Dio. Ca-
 racal. Actions, one was to * utter false Money,
 issuing out Lead Silver'd over, and Copper
 gilt, as legal Coins. And perhaps it will
 not be foreign to our present Subject
 in this place to make some short Ob-
 servations

servations upon the *Roman* Coin ; and the first that occurs is, That the Coin was best and most weighty in the time of the Commonwealth, and afterwards best and most weighty under the best Princes, as under such the Revenue of the State was most carefully look'd after. *Marc. Anthony* the Triumvir began first to debase the *Roman* Coin, his Example was afterwards follow'd by the *Cæsars*. † *Miscuit denario Triumvir Antonius ferrum, alii a pondere subtrahunt cum sit justum octoginta quatuor e libris signari.* Silver was first Coin'd in *Rome* 585 years ab *U.C.* 2. *Fabius* being Consul, 5 years before the first *Punick* War ; They did not Coin any Gold till 62 Years after. The *Denarius* was the Silver Species most in use among them, under the Consuls they Coin'd 84 *Denarij* out of the *Roman* pound of Silver, that is, Seven from the Ounce, but in the Reign of the Twelve *Cæsars* they coyn'd from the Pound 86, 88, and in process of time they came to make 96 from the Pound, that is 8 from an Ounce. As to their Gold Coins the *Aureus* was double the weight of the *Denarius* ;
and,

† *Plin. l. 33. c. 2.*

Plin. l. 33. c. 33.

Snellius
in Erotost.
Batavo.

and, for a good while, when they diminish'd the Silver Coin, they diminish'd the Gold Coin in Proportion, so that whereas under the Consuls they Coin'd from the *Roman Pound* of Gold 42 *Aurei Nummi*, under the Emperors they came to Coin from the pound 48. From *Augustus* to *Vespasian* the Silver Coin from time to time less'n'd in weight. From *Vespasian* to *Alex. Severus* it stood at a stay, in respect of weight. Under *Severus* and *Gordianus* it recovered its ancient weight, and so continued till *Justinian*, with little difference in the weight, but frequent Change and Abasement by Alloy. But after *Justinian*, when the barbarous Nations made Eruptions upon the Empire, they brought universal Confusions upon the Coins, as they did upon all other things that related to good Politie. The Gold Coin did likewise suffer its changes and diminution; For * *Greaves*, who in his Travels had weigh'd many of the *Aurei* collected in curious Cabinets abroad, and not impair'd by time, found 'em from the first to the last of the Twelve *Cæsars*, to weigh from 123 to 112 Grains *English*, and from *Nerva* to *Heraclius*, from 111 to 69 Gr.

* Greaves
of the Ro-
man Plot
and De-
marcius.

Gr. *Engliſh*. This in general may be obſerv'd, that with the Empire the Roman Coins declin'd, neceſſity driving the Prince, as the Species grew ſcarce, to put a higher value upon it. When we reflect upon the vaſt Summs mentioned in their Hiſtories, we muſt be driven to own, that about the time of *Tiberius* Money was as plentiful in *Italy* as it is at this day in any part of *Europe*, and that it bore the ſame proportion with other Commodities as it does at preſent; And that a Summ of their Money answering to ours would maintain a Man in the ſame Port as the ſame Summ does now; As for Example, *Nero* allow'd *Valerius Meſſalla*, of a moſt noble Family, great Grandſon to *Corvinus* the Orator, by annual Penſion *Quingena Seſtertia*, which in our Money answers to 3906 l. *Quibus Meſſalla paupertatem innoxiam ſuſtentaret*. *Veſpaſian* maintain'd ſuch Senators as were of Conſular Dignity, and had fallen to decay, with the like Annual Penſion, * *Conſulares in opes Quingenis Seſtertiis annuis ſuſtentavit*, which ſhows that what was then about 3906 l. would ſupport a Man of the beſt Quality in an honourable way of

Tacit. 13.
Ann.

* Suet. T.
Fl. Veſp.

of living, and not less, for *Vespasian*, who look'd to what he did, would not have given so much, if less would have suffic'd. That the Species abounded then in *Italy* as much as it does now in any Country, appears by many other Instances too tedious to be here inserted. But this will not seem strange to such as consider, that the Wealth of all the known Parts of the World had for several Ages been drawing thither to center in one City, And there it might have continu'd, and in the near adjacent Provinces, and this Wealth might, for ought we know, have preserv'd the State to this day, if, as in the times of the Commonwealth, or, as was done under wise Reigns, they had preserv'd a sufficient Proportion of it treasur'd up for the uses of the Publick. But when the Emperors, and when, after their Example, the People fell into an Excess of Luxury, to feed that Luxury, Foreign Countries, in the way of Trade, soon got back that Gold and Silver which the *Romans* had before taken from them by Force of Arms; And when the Publick was so exhausted, and when
Private

Private Men were so impoverished as not to be in a condition to help the Publick, the Empire was left naked and defenceless: For a great Dominion is to be secur'd but two Ways, either by Virtue, or Force; by Virtue such as the *Romans* and *Athenians* shew'd in the beginning of their Commonwealth; By Force, such as the *Persian* Kings, and the *Roman* Emperors were Masters of, which consisted in Immense Treasures laid up, large Tributes arising from the People, great Fleets and Armies; But when Countries are effeminated by Luxury, and impoverished by Riot and ill Conduct, that is, when they have neither Virtue nor Strength remaining, they presently become a Prey to the Warlike Nations that will invade them.

We have made this short Digression, and given Instances of several Changes in the *Roman* Money, To shew how much the Coin of a Country is its true Pulse; and That if it beats irregularly, 'tis a Symptom that the Body Politick labours under some dangerous distemper; That if the Prince be compell'd to diminish its weight,

weight, 'tis a Token that the Species begins to be drawn out of his Dominions; That if he be forc'd to substitute something else in the room of Gold and Silver, as *Caracalla* did Lead, and Copper, 'tis a mark that a great Part of it is gone; That if the Species comes to be drain'd away, or universally corrupted, as it was toward the latter end of the *Roman* Empire, 'tis a Demonstration that the ruin of the State is coming on apace. But to resume our Discourse.

After *Caracalla*, *Macrinus* was chosen, who tho obscurely born, and rising to Greatness by leisurely Steps, yet could not avoid plunging himself into the Voluptuous courses of his Predecessor: Warring with the *Parthians* he was defeated in two Battles by *Artabanus*, and forc'd to purchase a Peace at the Expence of what answers to 1562500 l. of our Money, a thing very strange to the *Romans* who were wont to sell, and not to buy Peace; but this Gap being open'd, their wealth afterwards more than once flew out the same way. After this ignominious

† Nephil.
ex Dion.
Macrin.

nious Treaty, *Macrinus* was soon overthrown by an Army led by a Woman, *Mesa* Sister to *Julia* the Wife of *Severus*, who placed upon the Imperial Seat *Antoninus Heliogabalus* her Grandson. This Monster exceeded all that ever went before him in Rapine, Cruelty, and Riot: He was Slain for his detestable Vices; His Mother *Mammaea* had perswaded him to adopt his Cousin German *Alexander Severus* who succeeded, * He govern'd well and wisely; In this Reign, which lasted thirteen Years, endeavours were made to reduce things to some Order, But the times could not bear a good Prince: He was slain by his Soldiers in *Ganle*.

* *Lampri-
dius in
Alex.*

After his Reign there were many Revolutions in the Empire, and much confusion, till *Constantine* took the Government upon him. *Alexander Severus* was kill'd in the 988th year *ab U. C.* and *Constantine* began to rule alone *Anno ab U. C.* 1077. And whereas two good Princes *Edw. 3d.* and *Q. Eliz.* rul'd in this Kingdom above 94 years, *Rome* between the time of *Alex. Severus* and *Constantine*, which was but 89 Years, saw
Nineteen

Nineteen Reigns, and more than twenty Emperors, many during that space having usurped the Title; not to reckon the Thirty Tyrants who set up themselves in several Provinces in the Reign of *Gallienus*, to such Miseries and Changes are Corrupted Countries obnoxious.

Zosimus
l. i.

Eutropius
l. 9.

During this time many things happened, which tended to the Impoverishment and weakning of the Empire, under *Trajanus Decius* the *Goths* began to invade it, and soon after the *Scythians*: *Vibius Gallus*, who succeeded *Decius* bought a shameful Peace of the *Goths* with Money. Under *Gallienus* the *Germans* got into *Italy* as far as *Ravenna*; *Macedonia*, *Pontus*, and *Asia*, were invaded by innumerable Troops of the *Goths* and *Scythians*, *Dacia* beyond the *Danube* threw off all Subjection; the *Quadi* and *Sarmate* possess'd themselves of *Pannonia*, and the *Parthians* having seiz'd upon *Mesopotamia* made Inroads into *Syria*.

But

But to save the Empire from utter Ruin, during this time there were some good Reigns; *Valerius Aurelianus*, a Warlike Prince did almost Restore it to its Ancient Limits. *Probus*, who was Chosen against his Will, went a great way towards Repelling the *Barbarians*, and under him the *Roman* Affairs flourish'd; but afterwards by bad Reigns Things were again brought into Confusion: However all along, while either the Prince, or the Ministers were good, some Care was taken of the Publick. 'Tis true, where there were so many Changes, and so frequent Civil Wars, 'tis not probable any Money cou'd be laid up; but other Provisions were made whereby the People might be Reliev'd in Peace, and Defended in time of War: *Severus* had Magazines of Corn.

* *Severus Rei Frumentariae quam minimam* ^{*Spartianus} *repererat, ita consuluit ut excedens ipse vita* ^{in Sever.} *7 annorum Canonem Populo Romano relinqueret.* *Mesitheus*, who was Chief Minister, and Father-in-law to the Emperor *Gordian*, is the true Pattern of a Wise Statesman careful for the Publick. † *Cujus* ^{† Capitol.} *virī tanta in Republica dispositio fuit ut nullā* ^{in Gord.} *esset unquam Civitas Limitanea potior quæ non posset Exercitum Populi Romani ac Principem ferre; quæ totius anni in Aceto Fru-*

mento & Larido atque Hordeo & Paleis condita non haberet; Majores vero Urbes alia 30 dierum, alia 40, nonnullæ 2 mensum, quæ minimum 15 dierum. So that when the Luxuries and Riots of preceeding Times, had partly drein'd the Empire of its Gold and Silver, they made Stores of another Kind; Tho' indeed from the Beginning there was little drawn but Provisions from several Provinces; For *Trajan* had Order'd, That the *Leptitani* in *Mauritania*, should furnish Oyl: That Part of *Gallia* and the *Spaniards*, chiefly those of *Betica*, should provide Horses, besides Materials for Cloathing, Oyl, and Bacon: In *Italy* the *Lucani*, were to find Hogs, and the *Bruttii* Oxen: Moreover, from the time they were Subdu'd, *Sicily* and *Ægypt*, were to provide a certain proportion of Corn, which varied according to the Necessities of the Publick. Thus from many Countries, they drew the Tributes in Kind, which were partly made use of for the Peoples Relief, or stor'd up in good Times, and in bad Times dissipated, no benefit thereby arising to the Common-Wealth.

Constantine proceeded a great way towards remedying the Disorders which had crept into the Empire, under the loose Reigns

Reigns that preceeded his. He corrected Rapine and Oppression in the Ministerial Parts of the Government, by a solemn * Edict, inviting all sorts of People to Ac-
* vid. L. 4. de Ac-
 cusat. C. Theod. Lib. 9. Tit. 1.
 cuse such of his Ministers and Officers as had been corrupt: He restrain'd Usury by severe Laws, which is one certain way of Enriching both the publick and private Men; for where immoderate Usury has been suffer'd, Poverty was always National and Universal: He likewise, Regulated the *Roman* Mint.

But the Wisdom of Two or Three Reigns avails little to preserve an Empire, the Foundation of whose Ruin is already laid; their Ancient Vertue was long since gone, Power and Wealth remain'd for some time after, Martial Discipline, from whence their greatness took its Rise, was slackn'd under Effeminate Princes, and at last quite corrupted by Civil Wars: However, upon so strong a Basis was this Common-wealth Built, that neither the Madness of the Emperors, nor the Vices of the People, could probably have Destroy'd it so soon, but for other Accidents which help'd on its Ruin.

Tho' *M. Antoninus Philosophus* had Associated into the Empire *Lucius Verus*, and tho' *Severus* had done the same with his

Eutrop.
L. 9.

Son *Antoninus Caracalla*, yet there was no Actual Division made, and the Body of the State remain'd one, tho' with Two Heads. But between *Probus* and *Florianus*, the Territories were in a manner parted. Afterwards *Dioclesian* Rul'd alone, who Associated into the Empire *Maximianus Hercules*, they two Govern'd joyntly; but when they Depos'd themselves, the Empire was again divided between *Maximianus Galerius*, and *Constantius Chlorus*, who Rul'd each their seperate Provinces; but at last, all fell into *Constantin* the Son of *Chlorus*; but it was again divided among the Sons of *Constantin*. But *Constantius* the Second Son surviving his Brothers, Re-united again all into himself, and it continu'd one Empire till *Valentinian*, who divided it again between himself and his Brother *Valens*. But the Sons of *Valentinian* dying Childless, the Empire came again intire to *Theodosius*; who again divided it between his Two Sons, *Arcadius* and *Honorius*; and so it stood divided till the *Western* Empire was quite Subverted.

This Division of its Territory, places of Strength, Tributes, Revenues and Legions, was most fatal to that Common-wealth which had been founded with so much Wisdom,

Wisdom, and for many Ages, defend-
ed with such Courage, and which the
Gauls, Carthaginians, and the *Cimbrians*,
had in vain attempted. But its Ruin was
not presently compass'd; and so strongly was
this Frame built, that to pull it a pieces
was the work of above One Hundred and
fifty Years. The Empire being weaken'd
and divided encourag'd *Alarich* to invade
Italy; who at first was bravely Vanquish'd
in two Battles, and repuls'd by *Stilico*; but
afterwards the Senate was forc'd to pur-
chase the Retreat of *Alarich* at the Expence
of Four thousand Pound weight of Gold;
who not long after broke the Peace, be-
sieg'd *Rome*, took and Sack'd it, *An. ab U.*
C. 1163. And about this time the *Hunns*
invaded *Pannonia*; The *Vandals, Alans* and
Swevi, and the *Goths* who had formerly
invaded *Gaul*, did then with the *Burgun-*
dians fix themselves there. Not long after
Africk was miserably harrass'd by the *Van-*
dals, and *Carthage* was taken by *Genferich*;
and in a little time *Attila* with his *Hunns*
made an Attempt upon the Empire, whose
first Irruption was stopt with Six thousand
Pound weight in Gold; but in a few Years
he again invaded the Western Provinces.
Gaul felt his Rage; then he came and laid
all *Italy* wast, destroying many Populous
G 3 Cities,

Cities, so that of them there remains nothing now but their Names. After this *Genserich* King of the *Vandals* Landed in *Italy*, Plunder'd *Rome* the Second time, carrying away all which even the Rage of *Alarick* had left : In this Century *Theodorick* King of the *Goths* fix'd himself and his People in *Spain*, and the *Franks* obtain'd a firm Footing in *Gaul* after a long Contest with the Natives, and the *Romans* : At last *Rome* was for the Third time taken and Sack'd by *Barbarians*, Conducted by *Odoacer* Prince of the *Heruli* ; who was Proclaim'd King of *Italy*. And thus an End was put to the *Roman* Dominion, after it had continu'd under Kings, in a Common-Wealth, and under Emperors, about 1228 Years, reckoning from the first Foundation of the City.

And now to Recapitulate the Reasons of this Great Peoples Ruin. First their Luxuries extinguish'd ancient Honour, and in its room introduc'd irregular Ambition : Ambition brought on Civil Wars ; Civil War made Single Persons too considerable to remain afterwards in a Private Condition ; so that the Foundation of their Destruction was laid in the Century wherein *Cesar* Invaded their Liberties ; However they might have continu'd a Powerful and

and Flourishing Nation for many Ages, if the succeeding Princes had imitated either *Cesar* or *Augustus* : But many of those that follow'd assum'd to themselves unlimited Authority, and when bad Emperors came, they pulled down what had been Building up by the Wisdom of all their Predecessors: They seiz'd upon that Treasure which the Frugality of preceeding Times had set aside for urgent Occasions. They accounted the Publick Revenues to be their own particular Property, and to be dispos'd of at their Pleasure; such as were Lavish, squandered away among their Minions and Favorites, that which was to maintain the Dignity of the State. When their Profusion had reduc'd them to Necessities, they fell to laying exorbitant Taxes, and to Pillage the Remote Provinces; when those Provinces were harrass'd and exhausted by continual Payments, they became weak and unable to resist Foreign Invasions: In those naked and defenceless Provinces the *Barbarians* nested themselves, and, when they were grown Strong and Powerful, from thence they made Irruptions into *Italy*, till at last they came to Invade and Conquer *Rome* it self, the very Head and Seat of the Empire.

From this brief Account of the *Roman* Affairs perhaps it will appear, That to let Ministers Waste the Publick Revenues, or to suffer any Negligence and Profusion of the like Nature, is of dangerous Consequence both to the Prince and People.

SECT.

S E C T. III.

Of Resumptions.

THE Southwestern Parts of the Ro-^{Grotius}
 man Empire were Invaded and pos-^{Prolegom.}
 sess'd by that Torrent of People which in Hist.
 anciently Issu'd out of *Scanzia*, a very large
 Tract of Land, bounded on the North and
 East by the Sea, and on the West and
 South by the *Botnick* Bay, and *Baltick* Sea,
 as likewise by Rivers which empty them-
 selves into the *Botnick* Bay and the *Russian*,
 or *White* Sea. These Nations when they
 first left their Native Soil, for a great
 while had no certain Seats, but travers'd
 from one Region to another, till at last
 they came to fix themselves in those Pro-
 vinces they had intirely Conquer'd. Of
 these the *Visigoths* and *Ostrogoths* were the
 most considerable. The *Ostrogoths* to whom
 all *Pannonia* had been Assign'd by the Ro-
 mans, extended their Territory far and
 wide, till they seiz'd *Italy* it self, under
Theodorick. The *Visigoths* seiz'd on Part
 of *Gaul*, Planting themselves in *Aquitaine*,
 and having Cantoniz'd in other Parts of the
 Country, there they continu'd for some
 time.

time. They likewise Form'd a Dominion in *Spain*, which lasted above Three hundred Years, reckoning from *Athlausus* the Son of *Alarick* (who by consent of the Roman Emperor *Honorius*, was Settled in the Borders between *Gaul* and *Spain*) to *Roderick*, who was totally Subdu'd by *Tariff* the General of *Ulit Miramam* in the Moor. Part of these *Visigoths* fix'd themselves likewise in this Kingdom of *Britain*; for from the Ancient *Scanzians* were deriv'd the * *Jutes*, *Gutes*, or *Getes*, who nested in Part of *Germany*, and were afterwards call'd *Saxons*, and who from *Germany* came and took Possession of this Island.

* Vid. *She-*
ringham
Discept. de
Orig. Gen-
tis Angl.

Of the same *Scanzian*, or *Gothick* Race, were likewise the *Danes*, who about Two hundred Years before the *Norman* Conquest, Invaded *England*, planting Colonies and gaining such Footing here from time to time, that at last they wholly Master'd both the *Saxons* and the *Natives*.

From this Soil likewise, barren of Provisions, but fertile in producing Metals, did spring the *Normans*, who under the Conduct of *Roul* left their own Soil; first touching upon our Coast, and finding no Reception here, they were content upon Terms to depart, and carry the

Territory

Terror of their Arms elsewhere, which they did into *France*, where by their Valour they obtain'd that Tract of Land, which from them was call'd *Normandy*, from whence in One hundred and Twenty Years they came, and in one Battle Conquer'd *England*.

Thus by these Swarms from the North, of Men seeking new Seats, the best part of *Europe* came into the Possession of a Rough Warlike People, whom the Luxuries of *Asia*, *Greece* and *Rome*, had neither corrupted nor refined; And these new Inhabitants chang'd every thing, introducing in all Places new Customs, other Manners, Languages, different ways of making War, new Laws, and new Forms of Government.

And these several Branches, springing from the same Stemm, it must follow, That the Fruit they bore would be near of a Taste; by which we mean, that in their Manners, Laws, and principally in their Politick Government, they must of consequence, as indeed they did, very much resemble one another.

And whoever looks into the Ancient Constitutions of *England*, *France*, *Spain*, *Denmark* and *Sweden*, will find, that all these Nations, had one and the same

same Form of Government; and tho' they might vary in some Circumstances, yet they all agreed in certain Fundamentals, which were, That the People should have their Rights and Priviledges; That the Nobles, or Men of chief Rank, should have some Participation of Power, and, That the Regal Authority should be limited by Laws.

'Tis true the *German* Emperors have some shadow of, and pretend Succession to the *Roman* Empire; but whoever contemplates their Laws, Constitution, and Form of Government, will find all strongly impregnated with the *Gothick* Tincture.

However, he who considers the Migrations of these Men, will perceive, that the Governments which they establish'd, were the necessary and unavoidable Consequence of their Expeditions, and that People seeking new Seats could not properly put themselves under any other Form.

For so vast a Design as that of leaving one's own, and Invading a Remote Country, must fall into some Bold and Great Mind, that could first conceive, and then be able to go through with such an Undertaking; and he who was thus qualified with Courage and Conduct, easily obtain'd Supream Authority over all the rest;

rest; from whence came, That these People chose to be Govern'd by Kings. But the first Expence of this Expedition being very great, and he who Projected it not being able to bear it all himself, he Affociated to him certain of his Principal Countrymen, who had likewise Followers and Dependants of their own; These in Consideration of what they contributed towards the Common Design, were not only to share, in the Conquer'd Lands, but in these Lands to enjoy certain Powers and Priviledges, and to have Names of Honour, by which they were to be distinguish'd and set above the rest: From whence came, That these *Northern Nations* had among them the Titles of *Peers, Pallatins, Barons, Earls, Grantz, Graffs, Notables, Grandees, and Dukes*. And the Persons of Prime Rank under these or the like Appellations, were a distinct Part or Member of the Body Politick, and were to Protect those who had come under their Banners, and follow'd their Fortune, and were vested by the Constitution with Eminent Power, that they might be a Skreen between the Prince and People. But the Labour and Dangers of these Expeditions were to lie upon the Common People, by whose Hands the Battles were to be Fought;

fought; and no doubt they had not been tempted abroad if they could not have promised themselves a better Condition than what they had at home, and if they were to be only Beasts of Burthen to the Great Ones: For which Reason, by Compact with those whom they follow'd, they were likewise to have a certain Share in the future Conquest; from whence came, That in the Settlements made by these *Northern Nations*, respect was had to the Interest of the People: There was reserv'd to 'em their distinct Rights and Priviledges, and Part of the Conquer'd Lands were Assign'd to them, in which, the better Sort had Freeholds, and those of inferior Degree, held of their Captains, Lords, and Leaders.

Their Military Constitution, gave likewise Form to their Civil Government: Their King as he was Head of the Army in the moving Camp abroad, so, when they came to settle, he was Head of the Common-wealth: And as the Principal Officers and Chief Captains had been his Council of War, so when they had Peace and Rest, they could not be easily persuaded to quit that Share in the Administration of Affairs, of which they had tasted in the Field; and their Titles and
Lands

Lands being to Descend, they became, by Virtue of their Tenures, his hereditary and standing Council ; and as in the Field they had wont to Advise him in difficult Matters for the Common Good of the Whole, and to lay before him the Necessities and Grievances of their Followers and Dependants, so at Home it grew their Right to do the same. But when these Nations came to fix and mingle with the Natives, and when they had made Compacts and Agreements with those Natives, this united Body (which likewise increas'd in Wealth and Possessions) soon became so Considerable as to make it necessary, That what was properly call'd the *Commons*, should be a distinct Part of the State, and that it should be Represented by Persons and Members chosen from among themselves. Thus in all these *Northern* Establishments, there has been what was call'd either the *Estates*, *Assemblies*, the *Cortez*, *Diets*, or *Parliaments*.

This was the Original Constitution, in most of the Establishments made by these *Northern* Nations, and under this Form of Government they continu'd without any material Change, till the Two last Centuries.

But

But in process of Time the Soil alters the Nature of Man, as much as it does that of Plants; warmer Climates did by degrees soften these Rough and Warlike People. Too much Sun produces that Effeminacy, which is the proper Matter for Arbitrary Power to work upon: Therefore all the *East* and *Southern* World has been Enslav'd, while colder Climates seem more tenacious of their Liberties. The *French* were the first who stoop'd to the Yoke of Regal Authority, not limited by Laws; *Spain* soon follow'd, to whose Kings their Foreign Acquisitions gave more Greatness than consisted with the Freedom of their People. At last it grew a Mode among lesser Kingdoms to imitate what had been done in larger Empires: So that the *Danes* and *Sweeds* were content to make and put on their own Fetters: And we in *England* were desiring to be like the other Nations round about us; had not the Virtue and Courage of a few Saved us often very narrowly from the Corruption and Madness of the rest. The bad Example of former Kings, the Vices of their Courts, nor our own Riches, have not soften'd and deprav'd us quite; and this Island having been Planted by the most Warlike of all the *Northern* Tribes, and having
still

still preserved a few of its old Inhabitants who retain somewhat of the ancient Britton Courage; and this Soil having always bred and nourish'd Men of Heart and Stomach, it happens that we still continue Free, and that we keep the main Parts of our Original Constitution.

Ancient Conquerors have in the same manner divided their Acquisitions, between the Prince, his Chief Followers, and the People; but the Tenures or Rights, by which these Lands were to be Held, seem particular to these *Gothick* Settlements, and with admirable Polity contriv'd to preserve the Links of Protection and Obedience, which should hold Prince and People together; for 'tis Natural for Men to Cherish and Protect their Dependents; and as Natural, to Love and Obey those by whom we are Protected. Thus to make all Hold of the King, was almost as far as Human Wisdom could go, to hinder this Chief Landlord from committing Waste in his own, and from injuring those by whose Service he was to receive Assistance. But this Division of Property would not have quite suffic'd, unless there had likewise been made such a Partition of Power, as we have mention'd; for the Greater would have encroach'd upon, and

swallow'd up the Less, if the Power of each part of the Constitution had not had certain Boundaries, as well as the Fields and Grounds had Landmarks, of one kind or other.

Our Ancient Government having its Foundation in such Tenures as the *Goths* introduc'd it will be necessary to say something upon that Subject.

This way of holding Land by certain Services was brought in by the *Lombards*, who Descended of the * *Gepida*, a People that quitting *Scanzia*, were left upon an Island of the River *Vistula*, where increasing in Numbers, they were compell'd to seek new Seats, and who after many Rovings and Adventures came at last to fix in *Italy*. What we call *Fee* and what in Modern Latin is call'd † *Feudum*. had its Original from the Kings of *Lombardy*, whose Custom it was to grant Territories, Towns and Cities to their Captains and principal Followers, who were to have a kind of *Usufructuary* Right therein, or more properly the *Utile Dominium*; but of these Lands the Prince reserv'd to himself the direct Dominion. 'Tis true, the *Romans* had something like this, as the *Coloni Glebæ adscriptii*: And * *Alexander Severus*, and after him *Constantin* distributed Lands upon the Borders to their Sol-

* *Groti.*
Prolegom.
in *Hist.*
Goth. Vand.
& *Lombard.*

† *Cujacius.*
Feud. l. 1.
lit. 1.

* *Lamprid.*
in *Sever.*

Soldiers, and their Heirs, upon Condition of Defence. But that which properly Constitutes the *Feudum*, viz. The peculiar Oath of Fidelity and Hoinage, was an Institution of the *Lombards*, who did not only Assign Lands upon the Limits, but distributed whole Countries to be Held by Fidelity and Service. These Tenures were first at Will, afterwards for a Term; then they came to Descend to one Son, afterwards to be an Inheritance. He that held the Fee was oblig'd upon Summons to Arm himself and follow his Lord's Banner, and to stand by him in all Dangers: Besides, he was subject to the Payment of Tributes, Aids or Subsidies. As the Prince conferr'd these Fees upon great Lords and Barons, so these Barons came to confer 'em upon others. The *Germans* had anciently something of the like nature; but from *Italy*, they pass'd into *France*, and from *France* into *England*. And certainly it was a wise Institution to give a new People, who were to be continually upon their Guard, either against the Natives, or Foreigners, some Interest in those Lands, for whose Defence they were so often to expose their Persons.

When these *Northern* Expeditions had Success, and that a Country was subdu'd,

there was assign'd to the Prince, or he took to himself, part of the Land, which he Held in Demefne, from which, and by the Profits and Strength the Tenures produc'd, he maintain'd himself in War and in Peace, without laying, in Ancient Times, any other Burden upon his People. And without doubt, our Kings were most happy when they liv'd upon this Revenue of the Crown, which was neither grievous by its Weight, or Novelty. What the Prince thus receiv'd came chearfully, because the People had good Bargains from the Crown. 'Tis true, they who Held by Military Service, were at more Expence in time of War; but 'twas the nature of their Tenure, and they bore it; nor did a Warlike Race of Men, dislike now and then to be in Action. And 'tis probable, our first Princes chose to subsist from a Revenue that would be Paid without murmuring, and which they might call their own, rather than upon the Manufactures and Trade of their Subjects, as was practis'd by *Eastern* Kings and the *Roman* Emperors, who were always laying fresh Impositions upon their People, which ill suited with the free Genius of the Men these *Northern* Princes were to Govern.

Those

Those Loads upon Industry, high Customs, and what we call Excises, were a foot in the *Roman Empire*, but not thought of in these *Gothick Settlements*: 'Tis true, from the time Kings have desired greater Armies than their Crown-Revenues would maintain, such Impositions have been reviv'd in these Parts of *Europe*.

These Kind of Taxes, from which this side of the World had been exempt for several Ages, were renew'd by Ambitious Princes, who had great Thoughts, and small Territory; of which kind, were *Ferdinand* and *Alphonso* of *Aragon*, Kings of *Naples*, and *Lodowick Sforza*, Duke of *Milan*, who harriass'd their Countries with these sort of Duties, to such a degree, as at last it produc'd an Universal Defection of their People. By these Ways and Means of Raising Money, *Lodowick Sforza* had heap'd up such a Mass of Wealth, that not Eight Years before *Milan* was taken, he shew'd several Foreign Ministers, by way of Ostentation, besides Jewels, and other sort of Riches, in no small quantity, to the Value of One Million, five hundred thousand Ducats: A vast Summ for those Times. The Kings of *Naples*, had likewise scrap'd up a great Treasure, by

Guicciard.
L. 2. & 4.

the like Methods. But what did all this end in? These Exactions had so provok'd the People, that neither the Innocence, nor Vertue of *Ferdinand*, *Alphonso's* Son, nor the dark Wisdom and Subtilties of *Lodowick*, could avail 'em in time of Danger, insomuch, that they both lost their Dominions to the *French*, without hardly striking a Stroak. The Necessities, introduc'd by the long Wars in *Italy*, brought these sort of Taxes more in Vogue, and they were chiefly made use of by the little Princes there, who Erected to themselves Tyrannies in several Cities. Not long after, this way of Raising Mony got footing in *Spain*, and the Tax was call'd the * *Alcabala*, by which, the King was to have the Tenth part of all that was Sold, or Exchang'd; it was first laid towards defraying the Expences of the Wars of *Granada*, against the *Moor*s, and continu'd for some time, tho' the War was ended; but by the Authority of that Great Minister, Cardinal *Ximenes*, it was Abolish'd. They had likewise, Taxes upon the Consumption, long agoe in *France*, as in the Reign of † *Chilperic*, which the People thought so burthensome, that many therefore deserted their Country, and we hear not of 'em again in their Histories, till some Ages af-

* Baudier
† Aminst.
du Card.
Ximen.
Cap. 3.

† Mezeray
vie de
Chilp.

after, and the manner by which they are now Collected in that Kingdom came from *Italy*. But the Ancient Revenue of the Kings of *France*, consisted in Land. * *Mezeray* * *Vie de Clotaire*. *fays, Le Revenne des Rois consistoit en Terres ou Domaines, & en Imposts qui se prenoient sur les Gaulois seulement, car il estoit odieux d'en prendre sur les Francois, on les levoit quelques uns en argent, quelques-autres en denres. Quand on fit l'arpantage ou partage des Terres les Rois en eurent pour leur Portion quantite des plus belles specialement aux environs des grandes villes. Dans toutes ces Terres, qu'ils apelloient Villæ Fiscales ils avoient des Officers ou serviteurs, qui se nommoient Fiscalins, & celui qui leur commandoit Domestique. On amassoit les Provisions de bleds, de vins, de fourages, de Chairs, specialement de Venaison, & de Porc.*

And as to Excises, Gabels, and high Duties upon Trade, they were unknown, among the Founders of the *English* Government, or of the Kingdoms round about us.

We have been compell'd to look thus far backward, and to repair to the Fountain-head, and Original of this Government, in order to illustrate, what we are going to lay down in this Section, which is,

H 4

I. That,

I. That in Forming this Constitution, our Ancestors took care to make ample Provision for Maintaining the King's Crown and Dignity.

II. That, when those Lands, and Revenues had been parted with, which were allotted for his and the States Service, Parliaments have seldom fail'd to Relieve and Restore his Affairs, by Acts of Resumption.

William the Norman, when he had subdu'd *Harold*, and got quiet Possession of the Crown, made a general Survey of the whole Kingdom. There was already a Survey, remaining at *Winchester*, which had been taken by King *Alfred's* Order, about Two hundred Years before. *William's* Survey, was call'd, *Doom's-Day-Book*, in which there was set down a Catalogue of all the Tenants in *Capite*. or *Serjanty*, that Held Lands in every County. In this Accompt, the King is always plac'd first, and His, and the Crown Lands, describ'd under the Title of *Terra Regis*; and in every one of these Counties the King had Lands and Mannors. The Great and Little *Doom's-Day-Book*,
con-

contain'd the Description of all *England*, *Westmoreland*, *Cumberland*, *Northumberland*, and part of *Wales* excepted. There were Appropriated to the Crown * 1422. * *Vide* *Dooms-day Book*. Mannors, or Lordships, besides Lands and Farms in *Middlesex*, *Shropshire*, and *Rutlandshire*; over and above which, there were Quit-Rents, paid out of several Mannors. Insomuch, that * *Ordericus* * *Fol. 523* *Vitalis*, says, *William* the Ist. had coming in *L 1061-10-12 per diem* of Sterling Money, which, the Value of Money in those Days consider'd, was a prodigious Income. † *Jervais* of *Tilbury*, says indeed, That at that time, all the King's Tenants, paid their Rents in Kind: But this will appear manifestly otherwise, to any one that looks into *Dooms-Day-Book*.

And tho' *Ordericus*, may have given us an Account somewhat too large, yet considering the Number and Value of his Mannors, and the Number of Knights Fees, which were Sixty thousand, out of which Escuage might be Levy'd in times of Action, he had without doubt, a very great Revenue, either for Peace or War.

Sir *Robert Cotton* says, The Article of *Terra Regis*, in *Dooms-Day-Book*, consist- * *Cotton*. *Post. p.* ed in such Lands as *K. William* found 179.

Ed-

Edward the Confessor had been in Possession of, and that to Alienate this Revenue from the Crown, was held Impious, by our Fore-Fathers.

Most certainly, in this Universal Survey, there was inserted whatever the King's had claim'd to the time of *Edward*; But there was good Reason to think that he added to the *Terra Regis*, such Lands as he pretended were Forfeited by those who had engag'd in the Battel of *Hastings*, and the Estates of the Barons, and other great Men, who afterwards from time to time Revolted from him: Part of which Lands he annexed to the Crown, distributing the rest with a Reservation or certain Quit-Rents, among his *Norman* Followers.

By this Accompt it appears, That this Founder of our present Government, left to succeeding Kings a fair Inheritance, sufficient to maintain their Estate and Dignity at Home, and capable to Defend the Realm against Invasions from Abroad.

But this Model of a Politick Constitution, easie both to King and People, was somewhat shaken, even by his next Successor, *William Rufus*, who not only wasted the Vast Treasure left by his Father, but also run into such Profuseness, as forc'd

forc'd him to Harrals the whole Kingdom. He alienated the Crown-Lands: And * *Daniel* says, He was compell'd to resume his own Grants. *William* of ^{44.}

Malmsbury, speaking of this Prince, says, * *Plures Patrimonia sua effudere inconsulte* * *Will.* *largiendo. Quid vero est stultius quam quod* *Malms. p.* *libenter facias curare ne diutius facere possis?* ^{122.} *Itaque quidem cum non habent quod dent ad Rapinas convertuntur: majusque odium assequuntur ab iis quibus auferunt quam beneficium ab iis quibus contulerunt.*

Henry the 1st. who succeeded, had all the Qualifications belonging to a Wise and Provident Ruler. He brought to Punishment *Ranulphus Bishop of Durham*, who had been the chief Adviser of all the Irregularities, Profusions, and Exactions of the last Reign: * He likewise took into * *Ord. Vit.* his own Possession, all his Father's Lands *Fol. 822.* and Lordships in *Normandy*, which his Brother had squander'd away, and by the Judgment of Wise Men, made those Gifts void which imprudently had been bestow'd upon undeserving Persons.

After the Death of *Henry*, *Stephen*, the Third Son of the Earl of *Blois*, by *Adela* the Fourth Daughter of *William* the I. was Elected King. He found in his Uncle's Treasury 100000*l.* besides Plate and Jewels

Jewels of an immense Value; Having no good Title to the Crown, he was forc'd to purchase the good Will of the Principal Men by Gifts * *Multi siquidem, quos vel Nobilitas generis, vel magnitudo animi, vel potius viridioris etatis audacia ad illicita præcipitabat, a Rege hi Prædia, hi Castella, postremo quæcunque semel collibuisse, petere non verebantur;* And with these Grants he bought the dissembled Affection of his Courtiers. * *Malmsbury* calls it *Simulatam ad tempus Pacem*; for all this Liberality could not make the Nobles faithful to him, his whole Reign, having been nothing but a Scene of Treachery and Bloodshed. At last he was forc'd to come to Terms of Agreement with his Kinsman *Henry Fitz-Empress*, of which one Article was, That he should resume those Grants, * *Regalia passim a Proceribus usurpata Rex in sua Recipiet.*

And pursuant to this Agreement did *Henry the II.* act when he came to the Crown, which is to be the more admir'd in him, because he was a Stranger born, Son of the Earl of *Anjou*, and succeeding by *Maud* his Mothers Title, and because the Crown Revenue was got into powerful hands, able to give him strong Opposition; but nothing could stand before his

Courage

* *Will.*
Malms.
Hist. Nov.
 p. 180.

* *Ibid.*

* *M. Par.*
 p. 86.

Courage and Perseverance : He resumed the Lands which King Stephen had given among his Followers. William Earl of Albemarl pretended to oppose him in Northumberland, but he brought him to restore what belong'd to the Crown, as he did likewise Hugh Mortimer; * *Considerans* * Chronicon Johannis Brompton Col. 1046. *autem Rex quod Regni redditus & Domina per Molliciem regis Stephani ad Dominos multos jam devenissent, præcepit ea cum omni integritate infra tempus certum a quibuscunque detentoribus resignari & in jus statumque revocari.* He also took upon him to banish Foreigners, particularly the Flemings, who had nested here in hopes of Booty under a loose Reign: † *Rex tenuit* † Gerv. Chron. Col. 1377. *Curiam suam apud Beremundesiæ, ubi cum Principibus suis de statu Regni & pace reformanda tractans, proposuit animo alienigenas gentes de Regno propellere.* Matthew Paris speaking of this Prince, says, * *Qui* * M. Paris p. 92. *continuo in Regem promotus, cepit in jus proprium revocare Urbes, Castella & Villas quæ ad Coronam spectabant; Alienigenas, & maxime Flandrenses de Regno expellendo, & quosdam Pseudocomites quibus Rex Stephanus pene omnia ad Fiscum pertinentia minus caute contulerat, deponendo.* So that we have here the Instance of a Warlike King (for such a one Henry was) greater in Revenue

venue and Extent of Foreign Dominion than any of his Predecessors, who thought it no Derogation to his Honour to look into these Matters.

And this provident care of his had such an Effect, that his Son and Successor Richard the I. at his coming to the Crown, found in the Treasury above

* M. Par.
152.

L. 900,000, besides Plate and Jewels * *Inventa sunt plura quam nongenta Millia librarum in auro & argento, præter Utenfilia & focalia, & lapides pretiosos.* But this and much more was presently consum'd in the mad Humor which at that time had seiz'd all the Princes of Europe of making War for the Holy-Land. To furnish himself for this Expedition Richard sold several Parcels of the Crown Revenue.

† Hoved.
p. 658.

† *Hoveden* says, *Rex exposuit venditioni omnia que habuit, scil. Castella, Villas & Prædia;* But the Lands thus granted a

* Dan. p.
105.

way he did Resume. * *Daniel* says, That after his second Coronation, which was at Winchester, he not only Resum'd the Mannors he had sold to the Bishops of Winchester and Durham, but whatsoever other Sales he had made of the Demefns of the Crown, *Alledging*, That it was not in his Power to alien any thing appertaining to the same whereby his State was to

subsist;

Resumptions.

III

subseq. * Grafton says, That after his<sup>* Graft.
Chron. P.
90.</sup> second Coronation he call'd a Parliament, by the Authority whereof, he resum'd again all Patents, and Annuities, Fees and other Grants before his Voyage by him sold and granted, and caused the Parties to be contented with such Revenues and Profits as they had received of the said Offices or Lands, in the time of his Absence: And spar'd not for any sufficiency of Writing that by him before was made. But, to confirm this, Authors may be produc'd of more Antiquity than either of these.

* Knyghton says, *Post ejus Coronationis so-*<sup>* Hen. de
Knyghton.
Col. 2408.
No. 40.</sup> *lennia quicquid prius leviter datum aut graviter venundatum fuerat repetiit, nomine commendati, fructus perceptos pro sorte computans, cessante pacto, titulo & instrumento quocunque.* † Brompton says, *Denique quod*<sup>† Chron.
Johan.
Brompt.
Col. 1259.
No. 10.</sup> *cum ipse iter versus orientem arriperet & regnum ipsum multipharie sciderat, ad integritatem satagebat pristinam revocare. Quicquid enim ab illo tunc fuerat datum vel ponderose venundatum, sub nomine repetiit commodati; & Regiarum possessionum emptoribus dicens, Non decet sublimitati Regiæ scenerari. Illi autem emptores mox regio metu attoniti, nulla habita quæstione de sorte non percepta, confestim omnia resignarunt.*

In

In Two Years of this Reign, viz. Ann. 1195 and 1196; there were actually rais'd in this Kingdom Eleven hundred thousand Marks, which is more than was really levied in any Two Years of the Late War; for if we consider the value of Money in those times, and the Proportion it bore with other Commodities, Eleven hundred thousand was more then, than Eleven Millions are now. Hubert the Archbishop of Canterbury writing to the King for leave to quit the Ministry shews. * *Quod infra biennium*

* Ro. Hovedon, p. 767, 768.

um proximo præteritum adquiserat ad opus illius undecies centena Millia Marcarum argenti de Regno Angliæ. The raising this vast Summ is an evident Sign how willing the People of England, have in other Ages been to give Aids and Subsidies to Martial Princes.

After Richard, King John was Elected. This was a Reign of Civil War, Taxes, and Profusion; and the Character Robert the Clerk gave of this Prince to Miramolin the Moor, was very true and Remarkable. * *Potius fuit Tyrannus quam*

* M. Paris. p. 244.

Rex; potius Subversor quam Gubernator; Oppressor suorum & fautor alienorum. Leo suis subditis; agnus alienigenis & rebellibus, qui per desidiâ suam Normanniæ ducatum & alias multas terras amiserat; & insuper
An-

Angliæ regnum amittere vel destruere stitabat. Pecunie extortor insatiabilis; possessionum suorum naturalium invasor & destructor.

But these Wastes were look'd into in the Reign of *Henry* the III. King *John's* Son and Successor, not by the Prince himself, who was no better a Manager than his Father; but by the Barons. *Knyghton* says, That after *Lewis* and the *French* were driven away **Omnes Alienigenæ ejecti erant de* * *Knyghton*
Anglia & omnia Castella quæ Rex Johannes Col. 2429.
donaverat & tradiderat in Custodiam Ali- N^o. 40.
nigenarum fuerunt reseisita in manu Regis.

This King laying open his Necessities to the Barons and his Council, said, The Crown-Revenues would scarce afford him Meat and Drink. To whom they answer'd, He might be Rich out of his own, if he would set some Bounds to his Liberality, and look into his own Affairs, and into the Proceedings of some of his Officers: They nam'd no body to him, but he understood whom they meant, and call'd several of his Ministers to Accompt, and brought them to Restitution. The Words of the Historian in this place, are very observable, when the King had laid open his Wants. **Tunc Consilarii Regis re-* * *M. Paris.*
sponderunt, Si pauper es tibi imputes, qui p. 376.
Honores & Custodias ac dignitates vacantes
ita in alios transfers, & a Fisco alienas;
 I quod

quod nec in divitiis auri vel argenti, sed solo nomine Rex debeas appellari. Nam antecessores vestri, Reges magnifici & in omni divitiarum gloria ditissimi, non aliunde, sed ex Regni redditibus & emolumentis, Thesauros impreciables congefferunt. At Rex ab eis instructus, quos nominatim exprimere tutum forsitan non esset cepit a Vicecomitibus & Ballivis, aliisque Ministris suis, de redditibus & rebus omnibus ad Fiscum commodum spectantibus, ratiocinium exigere: Et quoslibet de fraude convictos, a suis Officiis deponens, exegit ab eis pecuniam suam, etiam cum usuris; & tenens coarctabat eos, donec redderent debitum universum. This Prince was the first who brought Strangers into his Councils, and the Management of his Business; *Poitevins* and *Britons*, to whom he gave all the Power, and among whom he Lavish'd all his Crown Revenue, and the

Treasure of the Kingdom. Invitavit paulatim tot Piccardiensem Legiones, quod totam fere Angliam repleverunt, quorum Rex a inimicis quocunque pergebat, vallatus incessit. But in 1234 he was compell'd by his Barons to Banish these Strangers: Yet he return'd quickly to the same bad Measures, inasmuch, that his Brother *Richard*, Earl of *Cornwal*, told him, That he Rob'd his own Country to give it to Strangers, and the Kingdom's Enemies. In this Loose Reign,
the

Ibid. p.
386.

Resumptions.

115

the * Money of England was corrupted : * Ibid. p. 733- 747
 But nothing anger'd the People more than the immoderate Wealth he bestow'd upon Foreigners, namely, his Brothers by the Mother, and particularly to his *Poitevins*
 * *Eschaetas & Reditus vacantes, Alieni-* * Ibid. p. 850.
genis ignotis, illiteratis, scurrilibus, & pe-
nitus indignis non destitit distribuere, ut sic
suorum naturalium corda insanabilis sancia-
ret. While things were thus Govern'd,
 Private Men enrich'd themselves with the
 Publick Spoil, as for Example * *John Man-* * *M. Par.*
sel, who brought his Estate to Four thou- *p. 859.*
 sand Marcs *per Annum.* But at last at a
 Parliament Held at Oxford, * *Peter of Sa-* * Ibid. p. 973.
voy, William de Valence, and the Bishop of
Winchester, the King's half Brothers, with
 the other Foreigners, were Banish'd, *Ubi*
statutum erat † quod ad terras suas quas in * *Knyghton*
partibus trasmarinis habebant transfretarent. *Col. 2445.*
Nº. 40.
 And that immoderate Wealth they had
 gather'd here, was not permitted to be
 carry'd away, but was || Seiz'd upon, and || *M. Par.*
 Confiscated to the King's use. In this Col- 973.
 loquy, the Barons told him, That he was
 in Debt, and Ruin'd by the Strangers a-
 bout him, who had Consum'd all, so
 that he was forc'd to give Tallies for the
 Victuals of his Table. * *Domine Rex, in-* * *Knyghton*
ter manus Alienigenarum res utique tua male *Col. 2445.*
agitur & diversimode tractatur, nam con- *Nº 10.*

sumptis universis multo jam deprimeris, ere alieno, & datis pro cibariis tuis Talleis, versus es in scandalum in omni populo tuo : The Consequence of this Profusion, was grievous Taxes; the Taxes produc'd Discontents, these Discontents, encourag'd *Simon Montford*, and others to begin that Civil War, in which this King had been lost, but for the Courage and Conduct of his Son.

In the Reign of *Edward* the I. we do not find there was any Resumption; but *Anno Dom.* 1289. The Legislative Authority did very wisely interpose in Correcting the Abuses of *Westminster-Hall*, * Fineing all the Judges for their Corruptions and Extortions. Sir *Ralph Hengham* (who had been Chief Justice of the higher Bench, and Commissioner for the Government of the Kingdom, in the King's Absence) paid Seven thousand Marcs; Sir *Edward Stratton* paid Thirty four thousand Marcs; *Thomas Wayland*, found the greatest Delinquent, Forfeited all his Estate: The whole Set paid among'em a Hundred thousand Marcs, which for those Days, was a prodigious Summ.

The next Reign of *Edward* the II. gives the Prospect of Civil Wars, Treachery, Bloodshed, and a view of all the
Ca-

*Vide *Dan.*
p. 160.
Mat. West.
p. 414. N^o
10, and
Knyghton
Col. 2466

Calamities that are the Consequences of a Riotous and Profuse Court.

The unbounded Favour of this Prince to his Minion *Pierce Gaveston* made Earl of *Cornwal*, and the Waste which the said Earl had made in the Crown-Revenue, so provok'd the Peers, that they never rest-ed till they had obtain'd an Instrument Impowering several Ecclesiastical, and Lay Lords, to make certain Ordinances for the good of the Kingdom, which Instrument, and Ordinances made by Vir-of it, were afterwards ratified in Par-liament.

Among other things, it was then or-der'd, That the Crown-Revenue should not be Alienated. 'Derecheif ordein est Rot. Ord.
'pur les dettes le Roy acquiter, & son 5 Edw. II.
'estate relever, & le plus honourablement Nº. 3.
'mainteiner, qe nul don de Terre ne de
'Rent, ne de Franchise, ne d'Eschete,
'ne de Gard ne Marriage, ne Baillie se
'face a nul des ditz Ordenours durant
'leur poer del dit ordeinment, ne a nul
'autre sauns Conseil & assent des ditz
'Ordenoures, ou de la greinder partie de
'eux au fix de eux au moins, mes totes
'les choses desquex profits poit surdre foi-
'ent enpruees al profit le Roy jusques son
'estat soit avenantment releve, &c.

There is this Remarkable in the Record, That they bound up themselves, as well as others, from receiving any part of the King's Lands, as we may suppose, not thinking it fair for them who had the Power, to keep the Purse shut to others, and to open it for themselves.

* Ibid. No.
7.

They took likewise Care of a Resumption. * 'Et puis derecheise pur se que la
'Corone est tant abeiffée & demembreée par
'diverses donns, nous Ordinons, qe tous
'les donns qe sont donez au damage du
'Roy & descresse de la Corone, puis la
'Commission a nous fait, des Chasteaux,
'Villes, Terres, & Tenements, & Baylez,
'Gardez, & Mariages, Eschetes, & Reles
'queconques queles soient, aussibien en
'Gascoin, Irland, Gales & Escoce, com-
'me en Engleterre, soient repelleez & nous
'les repellons de tout, sanz estre redonnez
'a meismes ceux, sanz comun assent en
'Parlement: Et que si tien maner des donns
'ou Reles soient Deformes donez encon-
'tre la form avantdit, sanz assent de son
'Barnage, & ce en Parlement, tant qe ces
'dettes soient acquittees & son estate ave-
'nantment releves, soient tenus pour nuls,
'& soit le pernour puny en Parlement par
'Agard del Barnage.

* Great
Statute
Roll from
H. III. to
21 Ed. III.
M. 31.
Bibli. Cott.
Clond.

'Tis true, these Ordinances were re-
vok'd in the * Parliament which this
King

King held at *York*, the 15th of his Reign, just after he had Defeated and put to Death *Thomas* Earl of *Lancaster*, with many other of the Barons. But his Rigid Proceeding with those who had Fought in Defence of their Countries Freedom, and his immoderate Favour and Bounty to the *Spencers*, Earls of *Winchester* and *Gloster*, with all his other Mis-government, lost him both his Crown and Life, in a short time after.

'Tis to be presum'd, that what the Parliament had done in *Edward* II. Reign, to hinder the Favourites from making Depredations upon the Crown-Revenue, had effectually stopp'd the Evil, because we do not find there was any need of an Act of Resumption in *Edward* the III's Time.

There is no part of our History more remarkable than the Life of *Richard* II. Grandson of *Edward* III. And no Times afford so many Presidents of Liberty asserted, and of the Excesses of Regal Power, with the Corruption of bad Ministers, as this unfortunate Reign: But Mis-government will of Necessity bring on good Laws in the End: The lavish Temper of this Prince, his unreasonable Favour to the Duke of *Ireland*, to *Michal de la Pool*

Earl of *Suffolk* his Chancellor, and others, with his loose and careless Administration, produc'd the Parliaments of 10th 11th and 13th *Richard II.* by which his Power was circumscrib'd and bounded. 'Tis true 21 *Richard II.* he procur'd a Repeal of what had been formerly settled by Parliament for Welfare of the Kingdom, in which Sessions he got Iniquity establish'd by a Law; but the Conclusion of all this Misgovernment was, that he incurr'd so much the Publick hatred as to be deserted by the whole People, and in a solemn manner to be depos'd.

The Excesses of the Court, and Rapine of the Ministers in those days, and towards the latter end of *Edward III.* produc'd Acts of Resumption.

The Commons pray that all kind of Gifts whatsoever, made by King *Edward III.* may be examin'd, if Worthily bestow'd to be Confirm'd, if otherwise to be Revok'd *
 * Item ils Prient, pur ceo que la
 "Corone est moult abaïsse & demembre par
 "divers donns donez en temps de notre
 "Seignour que Dieux assoille, & queux
 "donns il estroit malement deceux & en
 "plusieurs Personnes malement emploieis,
 "come home le poet declarer, a grand da-
 "mage de lui, & de notre Seigneur la Roy
 "q'ore est, si bien des Chasteaux, Villes,
 Ter-

* *Rot. Parl.*
 1 *Ri. II.*
 N^o. 48.

Terres, Tenements, Baillez, Gardes, Mar-
riages, Eschetes, & Releves, aussi bien en
Gascoigne, Irlande, come en Engleterre,
que plesse a notre Seigneur le Roy, &
son Conseil faire examiner par les Rolles
de Chancellerie, du temps notre Seigneur
le Roi, qi Dieux assoile, queux donnes,
& a queux, & quelle somme ils amon-
tent qi aviendront, a trop haut somme
sans doute, & que sur ceo ils soient sage-
ment examinez, asqueux ils estoient do-
nez notablement & profitablement, pur
le Roi & le Roialme, & es queux notre
dit Seigneur estoit deceux, & ses donns
malement employez, & queux tous ceux
asqueux notre dit Seigneur estoit deceux
& qi sont malement employes, y puissent
estre de tout repellez, sanz estre redonez as
memes ceux, ou a uul autre, tanqe ses
dettes soient acquites & lestat de nos tres
honoures Seigneurs les fitz de notre Sei-
gnur qi Dieux assoile, qi sont pources a
leur estat, y purra avenantement per as-
cuns des ditz donns ette relevez, & soit
le pernour quensy ad notre dit Seigneur
deceux punis en cest present Parlement,
selonc son desert par agarde de Barro-
nage, en supportation du Charge que le
commune People y convient porter: Ra-
tifiantz & Confirmantz a ceux qi ont de-
serve, les donns en manere come notre
dit

‘dit Seigneur, qi Dieux assoile, leur avoit
 ‘grantez Considerant a chescun son longe
 ‘service, & son Desert, & regardant sil
 ‘please a nostre Seigneur, as tous ceux qe
 ‘servirent a nostre dit Seigneur, son Aiel,
 ‘qe sont sans rewarde pur lour Service.

Resp. ‘Les Signeurs de continuel Coun-
 ‘seil ferront Chargez de veer & examiner
 ‘les ditz donns, & les Conditions estates
 ‘& deserts des Personnes & en ultre
 ‘fair ce qe reson Demande.

Anno 3 Richard II. The Speaker says, If
 the King were reasonably govern’d in his
 Expences, within and without the Realm,
 he should have little need to charge his
 Commons, who were already much Im-
 poverish’d. * ‘Dist qe lour sembloit a la

* *Rot. Parl.* dite commune, que si lour Seigneur lige
 † *Rich. II.* eust este bien & raisonablement gover-
 † *Nº. 12.* nez en ses despeses par dedeins le Roy-
 ‘alme, & autrement, il neust ore besoigne
 ‘de leur aide, per chargeant sa dite Com-
 ‘mune, quore est trop poure, &c.

Anno 5 Richard II. The King says,
 He will make no Grant without the As-
 sent of the Lords of his Council, till
 he shall be out of Debt. † ‘Item,

† *Rot. Parl.* Prient les Communes, qil plesse au Roy
 † *5 Ri. II. P.* nostre Seigneur, qil puisse au present
 † *1. Nº. 74.* estre Escript en Rolle de Parlement, co-
 ‘ment ordenez est, per lui, nos autres
 ‘Seig-

Seigneurs, & toute la Commune, qe de
desore en aprez, nul donn de Terre, de
Rente, de Garde, ne de Mariage, ne de
nul Manere Eschete soit Grantez a nul-
luy, tanqe le Roy notre dit Seigneur
soit hors de dette, & hors des tielx
Charges de Guerre, come y ad au pre-
sent, & si aucune Persone demande au-
cune donn au contraiere de cette Petiti-
on perde les service & Compagnie notre
dit Signeur pur toujours apres.

Resp. Il ne semble mye honest ne
chose Honourable au Roy, ne a sa dig-
nitee, qil se lieroit a telle Guise peront
il ent fuist si oultrement constreint, mais
plest au Roy & il voet par le bien de luy
mesmes & de son Roialme, soy restrein-
dre, & abstenir a doner ou granter a au-
cune Persone, Terre, Rente, Garde,
Mariage, ou Eschete, sans lassent & ac-
cord des Seigneurs & autres de son Con-
seil.

Anno 6 Rich. II. The Commons among
other things pray, That the King will
appoint good Orders about his Person, so
as he may live within his Revenues, and
that all Profits and Gifts may be employ'd
upon the Wars, to the ease of the Com-
mons. * Come autrement ordeigner, qe ^{Rot. Par.}
bone Governail soit mys entour votre ^{6 Ri. II.}
honourable Persone, si qe vous purres ho- ^{42.}
nestement

‘ nestement & roialment viver, deinz les
 ‘ revenues de votre Roialme, & qe toutes
 ‘ Maneres des Gardes, Mariages, Releifs,
 ‘ Eschetes, Forfaitures, & toutes autres
 ‘ Commoditees, puissent estre Gardes pur
 ‘ vos Guerres, & en defens de votre Roy-
 ‘ alme, & nul part aillours donez en sup-
 ‘ portation & aide de vos pources Commu-
 ‘ nes & grant honour & profit a vous.

Resp. ‘ Le Roy est de bone Voluntee &
 ‘ le desire moelt entirement de fair &
 ‘ ordonner en ce cas per lavis des Seigneurs
 ‘ de son Roialme ce qe luy semblera mieulx
 ‘ affaire pur son honour & Profit.

Anno 9 Ri. the II. it was Enacted, That
 all the Revenues, as well in the *Exchequer*,
 as elsewhere, should be laid up for One
 whole Year, without any Diminution
 thereof by Gift. † *Item*, Qe ordein soit en

† *Rot. Parl.*
9 Ri. II.
N^o. 42.

‘ especial qe tous les Revenues notre Seig-
 ‘ neur le Roy, si bien en l’Eschequer, com-
 ‘ me aillours, soient sauvement gardez per
 ‘ un an entier sans estre donez a uully per
 ‘ nul Grant, en Supportation de Nostre Seig-
 ‘ neur le Roy, & de son People qe plesse a
 ‘ notre Seigneur le Roy de charger & com-
 ‘ mander les Seigneurs du Conseil, & ses
 ‘ Officiers en plein Parlement, qe rien ne
 ‘ soit fait au contraire.

Resp. ‘ Le Roy le voet.

Anno 11 Ri. II. The Commons pray,
 That

That no Hereditaments, or other Profits,
then Escheated to the King, be granted to
any during the Wars, and that no Person
presume to crave any of the same. *Litem* Rot. Par.
Prient les Communes, qe toutes Maneres *11 Ri. II.*
de Seignouries, Terres, Tenements, Rents, *P.1.Nº.24.*
Services, Biens, Possessions & Chateaux
reconques, forfaits a nostre Seigneur le
Roy, per cause des Jugemens rendus de-
vers les Persones adjugez en cest present
Parlement, & auxint toutes autres Terres,
Tenements, Eschetes, Forfetures, Gardes,
Marriages, & autres Profits reconques
queux sont, ou deviendront en la meins
du Roy per reconque cause demoergent
entirement en la main du Roy nostre Seig-
neur durant les Guerres, pur acquiter les
dettes & en eide de maintenir son estat
& ensement en case & supportation de ses
pauvres Communes du Roialme nient
contrestant ascun Grant ou Garrant fait
a ascunnys avant cestheures & qe nul
homme greindre ne meindre, en l'Hostiel
du Roy, ne entour la persone du Roy
ne autre reconque, de quel Estat ou Con-
dition quil soit, en privee, nen appert,
soit sy hardy a demander ou preinder de
donn nostre Seigneur le Roy, ascuns des
Seignouries, Terres, Tenements, Rents,
Services, Biens, Possessions, Eschetes,
Forfetures, Gardes, Marriages, Chateaux,
ou

‘ ou Profits fuddits, ou autres Profits, ou
‘ Revenues geconques, durant les Guerres,
‘ come dessus, fur peine de forfaire le dou-
‘ ble devers nostre Seigneur le Roy, & re-
‘ pelle de mesme la chose issint demandez,
‘ & estre reint & Imprisonnes a la volonte
‘ du Roy. Purvus toutes voys, qe si af-
‘ cun home eit terres tenements ou Posses-
‘ sions du Grant nostre Seigneur le Roy,
‘ ou dascuns de ses Progeniturs, queux fu-
‘ rent parcelles de la Corone, qe per bon
‘ trette enter le Conseil du Roy & les pos-
‘ seisseurs des tieux Terres & Tenements,
‘ mesmes les Terres Tenements & Posses-
‘ sions poient estre rejoins a la dite Co-
‘ rone, a Profit du Roy, grantants autres
‘ Terres Tenements ou Possessions de les
‘ Forfaitures avant ditz en eschange pur
‘ les Terres Tenements & Possessions de
‘ la Corone susedite, & sy les Seigneurs ou
‘ autres qi ont Terres ou Tenements de la
‘ Corone, come dessus, ne voellent volon-
‘ tairement a ce assentir, ne accorder, qils
‘ eint & enjoient lours Terres & Tenements
‘ de la Corone avant ditz, come ils ont
‘ eu a devant, & qe les Grants Officiers du
‘ Royalme par avis des Seigneurs du Con-
‘ seil, eient Poer de vendre parcelles deles
‘ dites Forfetures per leur bone discretion,
‘ & qe le Grant sur tiel vendue soit ferme
‘ & estable.

Resp.

Resp. ' Le Roy le voet, forpris d' Offi-
' ces & Baillis, & ce qil a donne en cest
' present Parlement, issint, qendroit de
' forfeitures adjuges en cest Parlement,
' si ascun pretend davoir droit ou Interest
' en Icelles, sue au Conseil, sil luy semble
' affaire, & droit luy sera fait.

The Misgovernment of this Prince not only in his Revenues, but in all the Duties of his High Office, with his Profusion and Partiality to his Favourites, made way for a very great Revolution, and drew on so much Hatred of the People, as at last all his Subjects withdrew their Allegiance from him, and chose another, King *Henry* the IV. his Cousin German.

Anno 1. *Hen.* IV. The Commons Pray, That the Lands, parcel of the Crown Revenue, Granted away by *Edward* III. and *Richard* II. may be Resum'd. * *Item*, * *Rot. Par.*
' Touchant Terres, Tenements, & Rents, *6 Hen. IV.*
' ou autres Possessions, queconques, qe *Nº. 100.*
' furent parcelle de la Corone, ou des
' Seignouries de la Corone, en temps Seig-
' neur *Edward* le tierce, Roy Dengleterre,
' ou en temps *Richard*, darrein Roy Den-
' gleterre, nient donèz per assent du Par-
' lement, ne en eschange pour autres Ter-
' res, ore demurantz a la Corone, qe toutz
' y ceux soint rejoinz arere a la Corone;
' purveu toutefois, que si ascun Seigneur
' de

' de lestate Chivaler, ou Esquire pur son
 ' travaille duement deservy, eit pur terme
 ' de sa vie, & nient autrement, qil ne soit
 ' rebote dicelx, devant qil soit autrement
 ' guerdonez & semblablements seit feat dela
 ' Principalte de Galles, de Cornwailee, & de
 ' Cestre, & Reservez tout foits, as Citeins
 ' & Burgeys, parmy tout le Royalme, lour
 ' Libertees & Franchises, & a lour Heirs &
 ' Successeurs.

Resp. ' Le Roy sadviesera, & par bone
 ' advys & Discretion ent fera due re-
 ' medie.

Anno 5 Hen. IV. The Commons Pray,
 That the King would provide for the Re-
 pairing of his Castles and Houses, and
 namely, for his Castle at *Windsor* which
 was greatly in decay, and not to Grant a-
 way the Profits of those Castles, and
 Houses, and notwithstanding to stand to
 the Repair of the same, without which,
 he could not but run to the great Charg-
 ing of the Commons. * ' Et auxint les

* *Rot. Par.*
 5 *Hen. IV.*
 N^o. 10.

' dicts Communes monstrerent, coment les
 ' Chastellx & autres Manoirs du Roy sont
 ' molt ruinueses, & embusoignant de grand
 ' Repris, & Reperation, & coment les Pro-
 ' fits dicelles sont donez as diverses Per-
 ' sones, & le Roy supporte les Charges,
 ' come per especial, le Chastel de Winde-
 ' fore, a quel feust assignee certain Commo-
 ditie,

ditie, pur la Reparation dicelle, & oré
mesme la Commoditie est donne as cer-
taines Persones, & le Roy supporte les
Charges & auxint es autres places, les
Gentz preignent les Profits de Herbage,
& del vert, deins diverses ses Parkes, &
Bois, & le Roy supporte les Charges de
le enclosure dicell, & pur cestes impor-
tunes charges, & plusieurs autres, & pur
les plusieurs douns des Chastellx, Terres,
& Seignouries, & des Annuites, faits & do-
nez nient duement, ne descreteinment,
& par especial pur les Grandes Charges
& Depenses de le Hostel du Roy, & pur
amendement des tielx meschiefs faire, &
pur ouster tielx inconueniencies en apres,
en supportation del Commune People,
les Communes prierent au Roy moelt en-
tierment, & cordialement, qe confiderez
les Perils imminentes, de toutz parts per
ses Ennemys, & Rebelx, comes yont
novelx de jour en autre, & coment le cas
est tiel, qe si tielx meschiefs ne soient
Graceusement remediez, & resourmez
en cest Parlement y purroit estre qe sur
soudeins novelx de arrival des enemys,
ou per autre voix, mesme cest Parlement
de necessite feroit de tout depurtiz, &
dissolvez, & jamais les Seignours ni les
Communes se re-assembleroient, pur re-
medee ne redresse faire, sur les meschiefs
fusdits, & autres qe Dieux despende.

K

It

It appears by the Purport of this Petition, That there were certain Lands and Rents set aside, or assign'd for the Repair of *Windsor-Castle*, that ancient Seat of our Kings, and Sacred to the Honours and Ceremonies of the *Garter*, and therefore particularly provided for with a Revenue, by the Wisdom of our Fore-fathers; yet it seems these Lands so annex'd to *Windsor*, were at that time Granted away to some great Man, or craving Courtier: But this the House of Commons did not then think reasonable.

And the Remonstrance thereupon made, was kindly taken by the King: For he answer'd the Petition in Person from the Throne. 'Et sur ceo mesme
 * *Resp.* 'nostre Seignour le Roy moelt gracieusement de son bouche propre, en plein
 'Parlement, chargea & commenda si bien
 'tous les ditz Seignours, come les ditz
 'Communes, qils faioient leur diligence
 '& luy montreroient leurs bons & seins
 'conseilx, celle partie, pur aide de luy,
 '& de tout son Roialme.

'Et puis apres les ditz Communes en
 'mesme le Parlement firent requeste as
 'ditz Seignours, qe come le Roy leur avoit
 'donne tiel Charge, & mandement, & ceo
 'en si haute Court de Record, qils faioient
 'leur diligence bien & loyamment sans cur-
 'tosie faire entre eux, en aucune manere,
 come,

‘ come ils voloient respondere devant lue
 ‘ Dieux tout puissant, & devant nostre dit
 ‘ Seignour le Roy, & a tout le Roialme en
 ‘ temps avenir, & qe de sur ceo mesme les
 ‘ Communes ent fairoient semblablement
 ‘ de leur partie, & disoient outre mesme
 ‘ les Communes, a nostre dit Seignour le
 ‘ Roy, qe cestes matiers ensi faits, & ac-
 ‘ complez en cest Parlement, il leur trove-
 ‘ roit foialx & naturelz liges devers luy de
 ‘ parfaire son plaisir, & vouloir a leur
 ‘ poiar par le aide de Dieux.

‘Tis probable, this seasonable Care of the House of Commons rescued for that time, the Lands belonging to *Windsor* Castle, for from that time these Lands continu’d in the Demains of the Crown, till very lately.

And some Years after, *Viz. Anno 31. Hen. VIII.* there pass’d an Act of Parliament expressly to Annex several Mannors by name to the Castle and Honour of *Windsor*, not to be alienated from it; so carefull were our Ancestors that this Noble and antient Seat of our Kings, should have some Revenue to keep the House and Parks in good repair.

In the same Year, of *Hen. IV.* the Commons rehearsing, how King *Edward III.* in the Parliament Holden in the 11th. of his Reign Created his Eldest Son Duke of *Cornwal*, and the same Duke-

dom annex'd to the Crown, with divers Hereditaments by his Letters Patents, by Authority of the same never to be Dismembred, or Sold away. They therefore Pray the King to resume and seize, and so to unite again to the said Duchy, such Lands as were Sold away by Prince *Edward*, King *Richard*, or by the King himself.

* *Rot. Par.*

5 *Hen. IV.*

N^o 22.

versus Fi-

nem.

* ‘ Non obstant Encorporation ou Union de quel Duchee per une haute Authority ensi parfaite, puis encea est demembrez, si bien per diverses Alienations faitz per le avant dit *Edw.* nautres Prince, come per le darreine Roy *Richard*, qe fuist, & per vous.

‘ Qe pleise a vous de vostre haute discretion, ove le Avis de tous Seignours espirituelx & temporelx, en cest present Parlement Assemblez, considerantz la Union dudit Duchee, en la manere avant dite, fait de requier tout ceo, qe dedit Duchee est demembrez, & per Authority de Parlement de reseiser & rejoindre a dit Duchee, come il fust a devant non obstant ascune Alienation.

‘ Qe le Petition lue & entendue fuist respondus en les parolles quensuent.

Rot.

‘ Accordez est per le Roy, & les Seignours en Parlement, qe le dit Mounseigneur le Prince, per lavys de son Conseil, eit briefs de *Scir. fac.* Ou autre recorer le mieltz qil avoir purra, par les
Esta-

‘Estatutes & leys du Roialme, solonc ceo
 ‘qe le cas requiert, &c. Wherein shall be
 allow’d no Protection, or Praying in
 Aid of the King, unless it be for Sir *John*
Cornwale and *Eliz.* his Wife, late Wife of
John Holland Earl of *Huntington*, and for
 such Persons to whom the King is bound
 by Warrantie. ‘Sinon en cas qe le Roy
 ‘soit expressement tenuz a la Grantie, &c

Anno 6. Hen. IV. The Commons Pray, * *Rot. Par.*
 That the King would resume the Crown- *6 Hen. IV.*
 Lands. ‘Pleise a tres Excellent & tres re- *Nº. 14.*
 ‘doute Seignour, Nostre Seignour le Roy,
 ‘pur profit du Roy, & encresece de sa
 ‘Corone, & supportation des pauvres Com-
 ‘munes, de vostre Roialme Dengleterre,
 ‘granter les Petitions qensuent.

‘Pur ceo qe la Corone del Roialme
 ‘Dengleterre, est grantement emblemissez,
 ‘& anientissez, per grandez & outrage-
 ‘ouses dons, faits as diverses Persones,
 ‘si bien esprituelx comme temporelx, des
 ‘Terres, Tenements, Fee Fermes, Fran-
 ‘chises, Libertees, & autre Possessions
 ‘dycelles, Soit ordeigne en cest present
 ‘Parlement, pur profit du Roy, & du
 ‘Roialme, & supportation des Communes,
 ‘qe tous Chateaux, Manoirs, Seignouries,
 ‘Terres, Tenements, Fees & Advoesons,
 ‘Fee Fermes, Annuitees, Franchises, Liber-
 ‘tees, & Custumes, queux fuerent membre
 ‘& parcellle Dancienne Inheritance de la
 K 3 dite

' dite Corone, le an du Regne le Roy Ed-
 ' ward Aiel nostre Seignour le Roy qorest
 ' quarantisme, & puis en cea, soint ils
 ' donez a terme de vie, ou a terme de ans
 ' en Fee simple, ou en Fee taile, ou sur
 ' Condition, ou as Seignours Esprituelx, a
 ' eux, & a lour Successours, forsprises
 ' Gardes, Mariages, & Eschetes & hors-
 ' pris ceo qest assigne a Reigne, en Dower,
 ' soint entierement resumés, repris, &
 ' seises, es maines nostre Seignour le Roy,
 ' & rejointz al Corone avant dite, a y celle
 ' perpetuellement demeurer, sans ent per au-
 ' cune voie ou ymagination estre severez
 ' dicelle, en temps avenir, forsque ceux
 ' qont tieux dons ou Grants qe furent par-
 ' celle del dite Corone le dit an quarantisme
 ' ou depuis per Charte espediale, faite
 ' par Authority de Parlement: Et qe nulles
 ' Persones du Roialme, de quel estat ou
 ' Condition qils soient, ne eient, tenient,
 ' ne enjoient, par celle del Corone avant
 ' dite, de ancienne enheritance dicelle,
 ' alieuez, grantez, ou donez, puis le dit
 ' an quarantisme, sans Autoritee de Parle-
 ' ment, sur peine de incurrer la Forfeiture
 ' dicelles Terres & Tenements, ensy par-
 ' celle del dit Corone, & Emprisonement
 ' per trois ans: Et qe nul Officier de no-
 ' stre Seignour le Roy face ne mette en ex-
 ' ecution aucune tiele donne ou Grant en
 ' Temps avenir, sur peine de perdre son
 ' Office,

Office, & de forfaire qanqe il purra for-
 faire, envers nostre Seignour le Roy, &
 le Emprisonement de trois Ans : Et qe
 toutes Maneres de Persones, ou Officers
 & Ministres du Roys ceux ont auscun
 don ou Grant des ascuns tieux Chastelx,
 Seignouries, Manoirs, Terres, Tene-
 ments, Fees, Advocsons, Fee Fermes,
 Annuites, Franchises, Libertees, & Cu-
 stumes, suisditz, ceux issint sont par celle
 dancienne Inheritance de la dite Corone,
 apres ceo qe les Paiements Affaires pur le
 Houstiel du Roy ses Chambres & Garde-
 robes soient pleinement paiez ou assignes,
 & la Reigne paiez de sa Dower, & due-
 ment endowez, soient recompensez a la
 volonte du Roy de la surplusage, &
 residue des Fermes & annuitez suisditz.
 Purveux toutezfoitz qe toutes les Seig-
 nours esprituelx & temporelx, qi ont au-
 cunes Libertees & Franchises de don
 nostre Seignour le Roy qorest, ou de ses
 Progenitours puis le dit an qarantisme,
 & paient Fee Ferm a la verray value pour
 ycelles, ou ent rendent due accompte al
 Oeps nostre Seignour le Roy, chescun an,
 a son Eschequer, & aussi tous les Citees
 & Burghs deins le Royalme Dengleterre
 qont Franchises & Libertees du Grant
 nostre Seignour le Roy, ou de ses Pro-
 genitours, Roys Dengleterre, & con-
 firmez per nostre Seignour le Roy qorest,

‘ pur Fee fermes annuellement a paie
 ‘ a nostre Seignour le Roy, ou qont fait
 ‘ fyn pur y ceux Franchises avoir a nostre
 ‘ Seignour le Roy qorest, ou a ses Pro-
 ‘ genitours ne soient oustez ne disheritez
 ‘ de lour Franchises & Libertees, mes aient
 ‘ & entierement enjoient toutes les ditz Li-
 ‘ bertees & Franchises, & toutes autres lour
 ‘ Libertees & Franchises, a eux Grantez puis
 ‘ le dit an quarantisme pur releifnement
 ‘ des Fee fermes, encesce & Fortification
 ‘ des ditz Citees, & Burghs seloncqe la
 ‘ fourme & effect de lour Chartres, ent
 ‘ faites, cest ordeignance nonobstant, Pur-
 ‘ veu ensement qe nostre tres excellente
 ‘ dame la Reygne, ne les Fitz du Roy, ne
 ‘ soient contenuz sous la constreint de cest
 ‘ Estatute, ou Ordeignance, Purveu auxi qe
 ‘ ceux qont Purchasez de Roy *Richard*
 ‘ Terres ou Tenements, ceux furent a
 ‘ aucunes Persones forejugez a Parlement
 ‘ tenus a Westminstre lan unsiesme du
 ‘ Regne dudit Roy *Richard* ne lour Heires,
 ‘ soient oustez ne molestez de lour Terres
 ‘ & Tenements avantditz per vertue de
 ‘ cette Ordeignance.

Ibid. N°. 15.

‘ *Item* qe tous Tonelx & Pipes des
 ‘ Vyns, des prises de Roy, & autre Pipes &
 ‘ Tonelx des Vyns, grantez a aucunes
 ‘ Persones, de quel Estat ou condition qil
 ‘ soit, per nostre Seignour le Roy, qorest
 ‘ ou per ses Progenitours, a terme de vie,

ou

ou a Terme de ans, soient entierement
resumes es mains du Roy.

Item que toutes dons & Grantz des* Ibid. N°.

Chastelx, Manoirs, Terres, Tenements,¹⁷
Fermes, Rents, Annuites, Libertees, &
Franchises, ou Possessions qe-conques, faitz
per le Roy *Edw.* Aiel nostre Seignour
le Roy qoreft, ses Ancestres ou Proge-
nitours, devant le dit an quarantisme
del Regne dudit Roy *Edw.* as Persones
del Roialme si bien as esprituelx, come
temporelx, a terme de vie, a terme de
ans, en fee taille, ou en fee simple, ou
as aucuns en mortmaine, a eux & a
leur Successeurs, ou as Citeins & Burgh-
eis de Citees & Burghs, & as ceux des
Cinq Ports, a eux & a leur Successeurs,
de assent nostre tres graceuse Seignour
le Roy, les Seignours esprituelx, & tem-
porelx & communes en ycest Parlement
assemblez, soient solonc le effect de leur
Estates, per Estatutes ent en cest Parle-
ment affaire, confermez & ratifiez sans
estre en aprez adnullez, repellez, ou
revoquez; purveu toutes soit, qe dons
ou Grants des Chastelx Manoirs Terres
& Tenements, Feefermes, Rents, Annuites
Libertees Franchises ou Possessions qe-
conques faitz devant le dit An quarantif-
me as aucunes a terme de Ans, terme de
vie, ou en le Taille, en qele Case la Re-
ver-

‘ version est reservee au Roy maintenant
 ‘ apres le estate determine tieux Chateaulx
 ‘ Manoirs, Terres, Tenements, Rents,
 ‘ Annuities, Libertees, Franchises & Posses-
 ‘ sions qeconques soient revertible au Roy
 ‘ come a sa Corone & issint soient rejointz
 ‘ a la Corone sans estre en nulle manere
 ‘ departis ou severes en temps avenir.

‘ La Responce fait per le Roy de ladvys
 ‘ & assent des Seignours esprituelx & tem-
 ‘ porelx a les Petitions dessus escripts.
 ‘ Ceux le Roy voet metre en Execution
 ‘ en tout le haste possible.

Ibid. N^o
 20.

‘ Responce en Engleis as dites Petitions,
 ‘ And for as much, that the Commons de-
 ‘ siren that the King should live upon his
 ‘ own, as good Reason asketh, and all
 ‘ Estates thincken the same, the King
 ‘ thanketh them of their good desire, will-
 ‘ ing put it in Execution, als soon as he well
 ‘ may. And because the Commons desiren,
 ‘ that al that longed to the Corone the Fortie
 ‘ Year of King *Edw.* and sithe, hath bee
 ‘ departed, should be resum’d, to that in-
 ‘ tent, that the King might better leve of
 ‘ his own: And forasmuch that it may
 ‘ noght be known unto the King, which is
 ‘ of the Crown, and which is not, without
 ‘ more examination ne what hath be grant-
 ‘ ed sith the fortie Yere of King *Edw.* unto
 ‘ this time, the King’s intent is to Assign
 certain

‘ certain Lords Sprituels, and certain Lords
 ‘ Temporels, and all his Justices, and his
 ‘ Sarjeants, and all other such as him list
 ‘ name, for to put in Execution als far as
 ‘ he may by the Law of his Land or by his
 ‘ Prerogotive or Liberty all the Articles
 ‘ contained in the Petition of the Com-
 ‘ mons in all hast that he may in dis-
 ‘ charge of his People.

But this good Care of the House of
 Commons for the King's Welfare, had no
 other Effect than to procure, That the
 Lands, Rents, Profits and Annuities so
 granted away, should be seised into the
 King's Hands for one whole Year; but
 the Reason of this may be easily seen in
 the Record it self. A great part of these
 Lands were got into the hands of the
 Clergy. The words of the Record are,
 Outragious Grants made to divers Persons,
 as well Spiritual as Temporal. *Outrageuses*
dons faits as divers Persons, si bien Espi-
*rituelx, comme Temporel*x The People
 were in that Age very Superstitious, as
 appears by the severe * Act which pass'd
 two Years after against the *Lollards*; And
 where the People is Superstitious, the
 Clergy never fail to have the Chief Pow-
 er; And by their Interest, in all probabi-
 lity, it was procur'd, that the Nation
 could then be reliev'd only with one
 Years

* Vid. Rot.
 Par. 8 Hen.
 IV. N^o.

62.

Years Profit from those Grants; And because this After-act militates so directly with what the Commons had done just before, there are good grounds to think, that the last Project began in that House, which was then influenc'd by the Lords Spiritual. But we shall produce the Record it self, to shew that the Writer desires to handle this Subject impartially, and to set every thing in a fair Light.

Rot. Parl.

6 Hen. IV.

Nº. 21.

‘ *Item* a Considerer les Grants faits per
 ‘ Patentes dessous le grant Seal du Roy,
 ‘ & de ses Progenitours & Predecessours, as
 ‘ diverses Persones si bien a terme de vie,
 ‘ come en Fee simple, ou en Fee taille, ou
 ‘ autrement, y ne seroit honest, ny expedient
 ‘ pur le Roy nostre Seignour, de faire
 ‘ repelle, revocation ou resumption des aucuns
 ‘ tielx Patentes, & ceo si bien pur la
 ‘ clamour & autre Inconveniences, qent
 ‘ purront avenir as estranges parties, come
 ‘ deins le Roialme Dengleterre, Et pur
 ‘ ouster tielx Meschiefs, accordez est, qe
 ‘ chascun home & feme, de quel estat ou
 ‘ condition qils soient, qe ont aucuns Annuites,
 ‘ Fees ou Gages, a terme de vie, ou des Ans,
 ‘ du Grant du Roy Richard, ou du Roy qorest,
 ‘ qils soffreront, & chascun de eux soefrera,
 ‘ mesmes nostre Seignour le Roy davoroir
 ‘ & enjoier les dits Annuites, Fees, &
 ‘ Gages,

‘ Gages, del Feste de Pasche darrein
 ‘ passe, tanqal lendemain de Pasche pro-
 ‘ chain avenir; cestassavoir per un an en-
 ‘ tier. Purveu toutesfois qe les Fees, Ga-
 ‘ ges & Regardes de Chancelier, Tresorer,
 ‘ Gardien du Privee Seal, Justices de lun
 ‘ Bank & de lautre, Barons de leschequer,
 ‘ Serjeants du Roy a la Leye, & des autres
 ‘ Officers & Ministres des Courts le Roy,
 ‘ ne soient restreints per vertue de ceste
 ‘ Ordeinance, mais qils soient paieez come ils
 ‘ ont este accustumez de estre paieez, devant
 ces heurs.

Item, Qe chascun home & feme, de ^{Ibid. N^o.}
 ‘ quel estat ou condition qils soient qont²².
 ‘ ascuns Chastelx, Manoirs, Terres ou Te-
 ‘ nements, Rents ou autre Possessions, quel-
 ‘ conques, du Grante du Roy *Richard*, ou
 ‘ de Roy qorest, qe ils soefrerent & chas-
 ‘ cun de eux soefrera mesme nostre Seig-
 ‘ nour le Roy, de avoir, & enjoier les
 ‘ Profits de mesme les Chastelx, Manoirs,
 ‘ Terres & Tenements, Rentes & Possessi-
 ‘ ons ceux ils ont ensi a terme de vie, ou
 ‘ des Ans, de le dit Feste de Pasche dar-
 ‘ rein passe, tanqa lendemayn avantdit.
 ‘ Et qe le Roy ent seit respondus a son
 ‘ Eschequer : Forpris Fees & Advoesons,
 ‘ Gardes, Mariages, & autres Casueletees as
 ‘ Chastelx, Manoirs, Terres, & Tenements
 ‘ Rentes & Possessions avant dits appurte-
 nants:

‘ nants : Et forpris les Chartelx, Ma-
 ‘ noirs, Terres, Tenements, Rents & Pos-
 ‘ sessions, Fee Farmes, Annuities, & les
 ‘ Profits & Commoditees, Assignees au
 ‘ Reigne, en Dower, ou donez ou grantez
 ‘ a les Fitz du Roy, & a chascun de eux :
 ‘ Et forpris ceux qont ascuns Annutees
 ‘ per Grant ou Confirmation a eux ou a
 ‘ leur Ancestres, fait en Parlement: Et
 ‘ forprises auxi les Chastelx assises sur les
 ‘ Marches Descoce, ou de Gales, ou sur
 ‘ les Coustes de Mer.

But there seems to be given a Power
 to the King, by his advice of Coun-
 cil, to Resume his Lands from such as
 have more than they deserve.

Ibid.
 N. 23.

‘ *Item*, Qe Proclamation soit fait en
 ‘ Chascun Contee Dengleterre, qe toutes
 ‘ ceux qont ascuns Annuities, Chastelx,
 ‘ Manoirs, Terres, Tenements, Fee
 ‘ Fermes, Fees ou Gages, ou autre Grant
 ‘ qeconqe, dascune value annuelle, a terme
 ‘ de vie, ou des Ans du Grante du Roy
 ‘ *Edw.* Aiel nostre Seignour le Roy, puis
 ‘ le an qarantisme du dit Roy *Edw.* ou
 ‘ de Roy *Richard*, ou de Roy qorest,
 ‘ envoient ou portent devant le Roy &
 ‘ son Counseil perentre cy & le Feste de
 ‘ Chandeleure prochain a venir, a plu-
 ‘ stard, les Copies de leur Lettres Patentes,
 ‘ a eux faits, per les Roys suisdits, sur
 peine

‘ peine de forfaire mesme les Lettres Pa-
 ‘ tentes, au fyn qe nostre dit Seignour le
 ‘ Roy, per advys de son Conseil, purra
 ‘ ordeigner qe ceux qont fait bon service
 ‘ eient & enjoient lour dites Lettres Pa-
 ‘ tentes, & les autres qe nount deservies,
 ‘ soient tout outrement oustez de leurs
 ‘ dites Lettres Patents : Et auxint de ceux
 ‘ qont puis qe ne ont deserviez, qe le dit
 ‘ Roy, per advys de son dit Counseil,
 ‘ purra faire Moderation, come mieltz
 ‘ luy semblera.

Anno 7 & 8 Hen. 4. The Commons Pray
 the King, That no Lands to be Conquer’d
 from the *Welch*, should be granted away
 in a Quarter of a Year, from the time such
 Lands should be taken in : The King a-
 mong other things Answers, That he
 will not grant away such Lands till he is
 inform’d of their Value.

‘ *Item*, Le dit Mr. *John Pria* pur les dits ^{* Rot. Par.}
 ‘ Communes, qe les Chatelx Seignouries, ^{7. & 8. H.}
 ‘ Terres & Tenements, en la Terre de ^{IV. N^o 15.}
 ‘ Gales, qe desore, per la Grace de Dieu,
 ‘ seront conqis, ou gaignez, sur les dits
 ‘ Rebealx, ne soient donnees a uully per le
 ‘ espace dun qarter dun Apres ceo qils se-
 ‘ ront ensi conqis ou gaignes.

‘ A qoy le Roy respendi, qil se veilloit
 ‘ abstenir deascun tiel don faire a uully
 ‘ tanqe al temps qe il seroit enformez de

‘ la value dycelles: Et si ascun tiel don
 ‘ deslors se feroit, qil le vorroit faire as
 ‘ tielx Persones qe voillent demeurer sur
 ‘ la conquest de la Terre de Gales suif-
 ‘ dits.

In the same Parliament, the Commons
 Pray, That certain Foreigners by Name
 may be Banish’d the Kingdom, which
 the King agrees to, and in his Writ to the
 Sheriffs of London, directs, That such
 Foreigners should produce such Grants of
 Land, as they had obtain’d from Him,

* Ibid. 29. the Queen, or from others. * ‘ Item,
 ‘ Samedy le 8 jour de May a les souvent
 ‘ priers & requestes des Communes, accorde
 ‘ feust per nostre Seignour le Roy, & les
 ‘ Seignours Esprituelx & Temporelx, qe
 ‘ tous les Aliens des queux les noms sont
 ‘ comprises en une Cedula, laquelle feust
 ‘ livree al Seneschal del Houstiel du Roy,
 ‘ voidant la Roialme devant un certain
 ‘ jour, compris en le Brief de Proclama-
 ‘ tion ent fait, come per la tenure dycelle
 ‘ brief, enroulle en la Chancellerie, y
 ‘ purra apparoir.

And the King in his Writ to the She-
 riffs, Directs among other things, ‘ *Quodq;*
omnes & singuli Alienigenæ prædicti, qui ali-
qua Terras, Tenementa, Annuitates, sive
Concessionēs quæcunq; in Feodo simplici, vel
Talliato, sive ad terminum vitæ, vel anno-

*rum, ex Concessione nostra, sive ex Concessi-
one charissimæ Consortis nostræ Regina Angliæ
sive aliorum Ligeorum nostrorum per litteras,
sive scripta, eis inde fact. obtinent, quovis-
modo, hujusmodi Litteras sive scripta nobis
in Cancellaria nostra liberent indilate, ad
finem quod visis Litteris & scriptis prædictis,
inde fieri jubere valeamus, quod de jure, &
secundum legem & consuetudinem Regni no-
stri Angliæ, fore viderimus faciendum.*

Anno 11. Hen. IV. The Commons Pray,
That for ever hereafter no Grant may be
made of any Hereditament, or other Pro-
fits of the Crown, except Offices and Baili-
wicks, till the King shall be quite out of
Debt; and unless there be remaining in
his Coffers sufficient for the Provision of
his Family. To which the King agrees,
directly, without Reservation, till his
Debts be paid, or unless there be sufficient
Provision for his Family, and with Refer-
vation for the Queen, His Sons, and for
the Duke of York, and the Lord Grey.

* 'Item, Qe nules Chastelx Honours Seig-
'nouries, Manoirs, Villes, Terrés, Tene-
'ments, Franchises, Reversions, Libertees,
'Forrestes, Fees, Advoesons, Eschetes,
'Forfaitures, Gardes, Mariages ou au-
'tres Revenues qeconqes, ove lours ap-
'purtenances, forpris Offices & Baillies,
'en temps ensuivants, es Mains nostre dit

* Rot. Parl.
11 Hen. IV.
Nº. 23.

L

Seig-

‘ Seignour le Roy ou a ses Heirs, Rois
 ‘ Dengleterre, a eschiers, ou a venirs,
 ‘ ne soient en nulle manere donez, ne
 ‘ Grantez a ascune Persones, si ne soit al
 ‘ profit & Oeps nostre dit Seignour le Roy,
 ‘ pur la Sustenance de son Houstiel, Cham-
 ‘ bre, & Garderobe, tanqe tous ses dettes
 ‘ a ses Lieges a present dues soient pleine-
 ‘ ment paieez, & deslors enavant continuelle-
 ‘ ment resonable Substance remaignant es
 ‘ mains nostre dit Seignour le Roy, & ses
 ‘ Heirs, Roys Dengleterre, pur la suste-
 ‘ nance & supportation del Houstiel,
 ‘ Chambre & Garderobe suis ditz, devant
 ‘ aucun doun ou Grant fait al contraire di-
 ‘ celle en descharges de nostre dit Seig-
 ‘ nour le Roy, & de son Roialme, en
 ‘ temps avenir: Et si ascune manere de
 ‘ Personne, de quel Estate ou Condition qil
 ‘ soit, eit ou resceive en temps a venir, de
 ‘ doun ou de Grante, nostre dit Seignour
 ‘ le Roy, ou de ses Heirs, Roys Dengle-
 ‘ terre, ascunes des Revenues dessuis nom-
 ‘ mez, a contraire de cest Petition, qe le
 ‘ avantdit doun ou Grant soient outre-
 ‘ ment voidez, & come nulles tenus, & le
 ‘ Roy respondu en son Eschequer des Issues
 ‘ en le mesme temps dycelle provenantz
 ‘ & en temps ensuant a provenir per issint
 ‘ qe le Chancelier Dengleterre, qi pur le
 ‘ temps sera, soit tenus a certifier en l Es-
 chequer

‘ chequer nostre dit Seignour le Roy des
 ‘ douns & Grants avant dits, a tant de foits
 ‘ come il besoigne.

Resp. ‘ Le Roy voet qe tous les Cha-
 ‘ stels, Manoirs, Honours, Seignouries,
 ‘ Villes, Terres, Tenements, Franchises,
 ‘ Reversions, Libertees, Forrests, Fees, Ad-
 ‘ voesons, & Eschetes, Forfeitures, Gardes,
 ‘ Mariages, ou autres Revenues qeconques,
 ‘ ove lour Appurtenances, Forpris Offices
 ‘ & Baillies, qi escheiront de ce en avant,
 ‘ es mains nostre Seignour le Roy, ne
 ‘ soient en nul manere donnez ne grantez,
 ‘ a ascune Persone, fil ne soit al oeps
 ‘ & profit, nostre dit Seignour le Roy,
 ‘ pur la Sustenance de son Hostiel, Cham-
 ‘ bre & Garderobe, Et si ascune manere
 ‘ persone, de quel Estate ou Condition qil
 ‘ soit, eit ou resceivre dycest 26. Jour de
 ‘ Avril, en temps avenir, ascun tiel doun
 ‘ ou Grant, au contraire de cest ordeinance,
 ‘ qe le avant dit doun & Grant soient ou-
 ‘ trement voidez, & tenus pur nul, for-
 ‘ pris que Recompensation soit fait au
 ‘ Reigne, solonc la tenure de ses Lettres
 ‘ Patents, Et forpris les Fitz de Roy, Et
 ‘ auxint forpris qe recompensation soit fait
 ‘ a Duc d Everwick & a Seignour de Grey
 ‘ solonc la Fourme de lour lettres Pa-
 ‘ tentes.

There was no full and direct Resumption during the Reign of *Henry the V.* * except of Lands given away in the Marches of *Calais*; by which it appears, that the Care taken in the former Parliaments, had somewhat fenc'd the King's Revenues, against the Rapine of the Favourites and Great Men. But tho' there was no Resumption, yet it was Enacted 1 *H.* 5th That the King should have 10,000 *l. per Ann.* out of the Annuities and Pensions formerly granted, which was no inconsiderable Summ in those days, since the whole Revenue of the * Crown when he undertook the Conquest of *France* amounted to but *L.* 56,966 *per Annum.*

* *Cot. Post*
p. 156.

* *Rot. Parl.* 1 *Hen. V.* N^o. 12. 'Item accordez est, & assentuz per le Roy & les Seignours, a la request des Communes en Parlement, qe sur les Paie-
'ments affaires de les Annuitees, Grantes
'as diverses Persons, per les lettres Paten-
'tes des Roys, mesme nostre Seignour le
'Roy, pur Sustenance & Supportation de
'son honourable Estate, & de les Gran-
'des Charges, Costages, & despenfes de
'son Houstiel, Chambre, & Garderobe,
'soit preferez de dix milles livres annuel-
'lement, & ycelle preferement accomplie,
'soient les Persones dessuiscits paieiz de
'leur dites Annuitees, solonc les Fourme
'& effect de leur letters Patentees a eux ent
faits.

faits. Purveus toutes fois qe les Seignours & autres Persones qont leurs Annuitees enheritablement, soient paiees de mesme leur Annuitees selonc la fourme & effect de leur Chartre, & Lettres Patents, ent faits, non obstant le preference avant dit.

Anno 28 Hen. 6. * Prayen the Commons in this youre present Parliament Assembled, to consider that where youre Chancellor of youre Reaume of *Englond*, youre Tresorer of *Englond*, and many of the Lords of youre Counseill, by youre high Commandement to youre said Commons, atte youre Parliament holden last atte *Westminster*, shewed and declared the State of this youre Reaume, which was, that ye were endetted in CCCLXXII. M. *li.* which is grete and grevouise, and that youre Livelode in yerely value was but V. M. *li.* And for as moche as this V. M. *li.* to youre high and notable Estate, to be kept, and to paie youre said dettes woll noght suffice, Therefore that youre high Estate might be releved.

And furthermore it was declared, that youre Expenses Necessaryes to youre Household, withouten all other ordinarie Charges, came to 24000 *li.* yerely, the which exceedeth every Yere in expenses

‘ necessarie over youre Livelode 19000 *li.*

‘ Also please it your Highness to consider, that the Commons of youre said Reaume, been as well willed to their pore power, to releving of youre Highness, as ever were Peple to ony Kyng, of youre Progenitours, that ever reigned in youre said Reaume of *England*, but youre said Commons been so impoverished, what by taking of Vitaile to youre Household, and other things in your said Reaume, and noght paied fore, And the Quinzisme by youre said Commons, afore this tyme so often graunted, and by the Graunt of Tonnage and Poundage, and by the Graunt of the Subsidie upon the Wolles, and other Grauntes to youre Highness, And for lakke of Execution of Justice, that youre pore Commons been full nyght destroyed, And if it shuld continue lenger in such grete Charge, it cowde noght in ony wyse be hade or borne.

‘ Wherefore please it youre Highnesse, the premises graciously to consider; And that ye, by the advyce of youre Lordes Spirituels and Temporels & by auctorite of this youre present Parlement, for the Conservation of youre high Estate, and in comfort and ease of youre pore Commons, wold take, resume, seise and reteine in
your

' handes and possession, all Honours, Castel-
 ' les, Lordshippes, Townes, Towneshippes,
 ' Mannours, Londs, Tenementes, Wastes,
 ' Rentes, Reversions, Fees, Feefermes, and
 ' Services, with all their Appurtenances,
 ' in *Englonde, Wales,* and in the Marches
 ' thereof, *Irlande, Guyfnes, Caley*s and in the
 ' Marches thereof, the which ye have graun-
 ' ted by youre Lettres Patentes, or other-
 ' wyse, sythe the first day of youre Reigne,
 ' and all Honours, Castelles, Lordshippes,
 ' Townes, Towneshippes, Mannours, Londs,
 ' Tenements, Wastes, Rentes, Reversions,
 ' Fees, Feefermes, and Services, with all
 ' their Appurtenances, the which were of
 ' the Dutchie of *Lancastre*, and pass'd from
 ' you by youre Graunte or Grauntes; And
 ' ye to have, hold and receive, all the Pre-
 ' misses, in and of like Estate, os ye hadde
 ' them atte the tyme of such Grauntes made
 ' by you of them.

' And that all Lettres Pattentes, or
 ' Grauntes by you, or by oney other Per-
 ' sone or Persones atte youre requeste, or
 ' desire, made to oney Persone or Persones,
 ' of the Premisses, or of oney of them, in
 ' that, that to oney of the Premisses,
 ' be void and of noo force.

' And over that, that all manner of
 ' Graunts of Rentes, Charges, or An-
 ' nuities, made by you of Estate of In-

‘ heritance, for terme of Lyffe, or terme
 ‘ of Yeres, to oney Persone or Persones,
 ‘ to be taken of oney of these Premisses,
 ‘ or of youre Customes or Subsidies, or
 ‘ Awnage, or of youre Hamper, or atte,
 ‘ or in youre Receits, or in otherwyse, or
 ‘ in oney other Place, or oney of them,
 ‘ or of the Profites coming of them, or
 ‘ oney of them, withinne this youre
 ‘ Reaume, *Irlande, Wales, Guyfnes, Caley*
 ‘ and the Marches of the same, be voide
 ‘ and of noone effecte.

‘ And that all manner of Grauntes, made
 ‘ by you, to oney Persone, or Persones,
 ‘ of Estate of Enheritance, terme of Lyffe,
 ‘ or terme of Yeres, of oney Herbage, or
 ‘ Pannage, Fishyng, Pasture, or Comyne
 ‘ of Pasture, youre Warein, Wode, Wyne,
 ‘ Clothynge, Furies to noone Office long-
 ‘ yng, nor pertynyng, the seid first Day
 ‘ of youre Reigne, nor afore, noght yeld-
 ‘ yng to you the verray value thereof,
 ‘ be voide and of noone effecte.

‘ And over that, like it youre High-
 ‘ ness, to take, resume and seise, and re-
 ‘ teine into youre handes, and Possessions,
 ‘ all manner Lettres Patentes, Privileges,
 ‘ Franchises, Hundreds, Wapentakes, Letes,
 ‘ Rapes, Vewe of Franchises, Fynes,
 ‘ Amerciaments, Issues and Profites of the
 ‘ same, by you graunted, syth the first
 ‘ Day

‘Day of youre Reigne to oney Persone or
‘Persones, or Abbot, Priour, Deane,
‘Chapitre, Maistre or Wardeyne of Col-
‘lege, Fraternite, Crafte or Gilde. And
‘all manner of such Grauntes, to be voide
‘and of noone effecte.

‘And furthermore, All Grauntes made
‘by you, to oney Persone, or Persones,
‘of oney Offices, the which were noone
‘Offices the first Day of youre Reigne, nor
‘afore, be voide and of noone effecte.

‘And that all manner of Grauntes, made
‘by you, to oney Person, or Persones,
‘geaving them Power to make or ordeine
‘oney Office, or Offices, of whome the
‘makynge and Ordeinance, the said first
‘Day of youre Reigne, or oney time syth,
‘longd to you or theim, were noone such
‘Office, nor afore that, thanne such
‘Graunte as in makynge or Ordeinance of
‘such Offices be of noone effecte.

‘And over that, That all Grauntes and
‘Relesses made by you syth the first Day
‘of youre Reigne, to oney Abbot, Pri-
‘our, Covent, or to oney other Persone
‘or Persones, for discharge or quytclayme
‘of oney Corrodies, or Corodie, Pen-
‘sione or Pensiones, dismes spirituells, or
‘Quinzisimes, or dismes temporells, Rentes,
‘or Services, or oney other charge, be
‘void and of noone effecte.

‘And

Resumptions:

‘ And that no Persone nor Persones
 ‘ havynge Estate in Offices, Fee simple or
 ‘ Fee taile, of youre Graunte, or oney
 ‘ havynge theyre Estate, have other Estate
 ‘ in the said Offices, but terme of their
 ‘ lyffes, that nowe have the seid Offices
 ‘ with Fees and Wages, to the seid Offices,
 ‘ of alde tyme accustomed oonly, and
 ‘ noon otherwyse.

‘ And that all manner of Grauntes by
 ‘ you made, or to be made to oney Per-
 ‘ sone or Persones of the Premises, or of
 ‘ oney parcelle, during this youre present
 ‘ Parlement, be voide and of noone effect.

‘ And that noo Persone or Persones, that
 ‘ hadde oney thyng of the premises afore
 ‘ the tyme of the seid Resumption, be
 ‘ noght chargeable by way of Accompt,
 ‘ or otherwyse for the same ayenst you,
 ‘ youre Heires and Successours, except thoo
 ‘ that by youre Grauntes afore the seid Re-
 ‘ sumption were accomptable.

This is the fore-part of the Act, Word
 for word, to which the House of Com-
 mons thought fit to add Savings to several
 Persons, of which we shall give an Ab-
 stract.

First there is Saving to the Queen, for
 her Dower. [2] For the Colleges of our
 Lady of *Eaton*, and our Lady and St. *Ni-*
cholas of *Cambridge*. [3] For Lands grant-
 ed

ed in the Dutchy of *Lancaster* to Persons to the intent to perform the King's Will. [4] For Priories Alien then in the Possession of Hospitals, or Religious Houses. [5] For the Creation Money, paid to the Peers, but this Saving is with Restrictions. [6] For those who had made Surrenders to the King, and taken other Lands in Exchange so as the last Grant exceed not the first in value or terme. [7] A Saving for Lands bought of the King by *Henry* Cardinal of *England* and given to *St. Crosses*, with a general Saving for the Interest and Claime of private Persons to the Lands intended to be Resumed. [8] A Saving for those who had Grants in former Reigns, out of which they were Lawfully Eviçted, and in Consideration of which they had Grants from the present King. [9] A Saving for those who had exchang'd Lands with the King, so as the Lands exchang'd were not also of his own Gift, and so as what exceeded in Value should be resum'd. [10] A Saving for what paid Rent according to the true value at the time of the Grant. [11] A Saving for where the King was Feoffee in trust, so as it was not in Lands of his own Gift. [12] A Saving for the Lord Chancellor, Treasurer, Privy Seal, Justices, Barons of the Exchequer, Serjeants at Law

Law, Attorney and Officers in the King's Courts of Record, for accustom'd Wages, Rewards or Cloathing, [13] A Saving for Grants made of their own Lands to Persons born beyond the Seas, and of *English* Parentage. [14] A Saving for *All-Souls-College*. [15] A Saving for Cities and Burroughs, who by the King's Charter were to be exempt from the Jurisdiction of the Lord High Admiral or Warden of the Cinque Ports. [16] A Saving for Bodies Corporate, &c. who by Charter had Priviledge granted of Murage.

These were all the Reservations, the House of Commons thought necessary in this Act. Then follows.

' And that it like youre most High and
' Habundant Grace, tenderly to consider
' these Premises, and thereuppon by youre
' high and grete Wisdome, and by the Ad-
' vyse of the Lords Spirituels and Tempo-
' rels, in this your present Parlement Assemb-
' led to ordeine, provide, and establish suffi-
' ciaunt Possessions, of the Premises so re-
' sumed for the contentyng and Paiment of
' the Expences, and Charges of youre
' Household, and all youre other ordinarie
' Charges: And to Apply and Appoint
' the Possessions, Profites, Revenues, and
' Commodities of youre Towne of *Caleys*,
and

‘ and of *Guisnes* and of the Marches there,
 ‘ hooly to be taken and received by youre
 ‘ Tresorer of *Caleys* for the tyme beyng,
 ‘ he to apply theim to the Payments of the
 ‘ Souldeours there, and the repaire of the
 ‘ Gettes and other necessary reparations
 ‘ there behowfull; And the seid Tresorer
 ‘ thereof to you in youre Eschequer duely
 ‘ to accompt; And all the Possessions afore-
 ‘ said soo severally provided for to abide
 ‘ and endure to you youre Heires and Suc-
 ‘ cessours in perpetuitie, to the same end
 ‘ and effecte, and noon other, with such
 ‘ peines and Punishments to be sette there-
 ‘ upon, by youre wise discretions, that
 ‘ noone of youre Leiges in tyme to come
 ‘ attempt the contrarie thereof, or accept
 ‘ any parcell of hem, so ordeined, for the
 ‘ seid Provisions; so that the seid Ordei-
 ‘ naunce soo made be sent and declared to
 ‘ us youre seid Beseechers, during this
 ‘ your seid Parlement, to the ende and
 ‘ effecte we to yeve thereto our assent, so
 ‘ that it can be thought to us for youre
 ‘ Honour, profite and welfare of us, all so
 ‘ to doo, that it be authorised in this
 ‘ youre high and Roial Court of Parle-
 ‘ ment, and by Authhorite of the same.

Resp. ‘ The Kyng by the Advyse and
 ‘ assent of the Lords Spirituelx and Tem-
 ‘ porelx in this present Parlement assem-
 ‘ bled.

' bled, and by the Authoritie of the same,
 ' agreeth to this Petition of Resumption,
 ' and the same accepteth and establissheth,
 ' Always forseyn that all exceptions mode-
 ' rations forprises and provisions by hym
 ' graunted ordeined and admitted, and
 ' putte in Wryting in this same Parle-
 ' ment, upon the premisses, be and stand
 ' good and avallable in Lawe, after the
 ' Fourme and effecte of the contynue of
 ' the same exceptions Moderations and
 ' Provisions; And that all Lettres Patentes
 ' of the Kyng made to oney Person or
 ' Persones named in oney of the same Ex-
 ' ceptions moderations forprises and pro-
 ' visions, be good and effectuel after the
 ' Fourme and continue of the same Lettres
 ' Patentes, by whatsomever name oney
 ' such persone or persones be named in
 ' oney such Lettres Patentes, the said Act
 ' and Petition of Resumption or oney
 ' thing contained therein notwithstanding.

' Provided alway that it extend not to
 ' oney Possessions or other thyng made or
 ' graunted by the Kyng to oney persone or
 ' persones in *Caleis* or in the Marches there-
 ' of or in the Lond of *Irland*.

' These that followen been the Excep-
 ' tions Moderations forprises and provi-
 ' sions by the Kyng graunted ordeined
 ' and admitted, and in this same Parle-
 ment

'ment upon the Premisses put in wryting.

First Saving for *Merton-College*. [2] For *Leon Lord Wells*, inasmuch as he had a Pension justly due to him. [3] For the Dower of the Dutcheſs of *Warr*. [4] For Lands exchange'd with *John Fray*. [5] For the College of *Leiceſter*. [6] For the Expences granted by Patent to *Richard Duke of York* in the Lieutenancy of *Ireland*. [7] For Reſtitutions of Temporalities, &c. to Arch-Biſhops, Biſhops, &c. [8] For the Priory of *Henton*. [9] For *John Stourton*, Treafurer of the Houſhold for 5000 l. to be expended in his Office. [10] For the Prior of *St John's* for 15 s. per Annum. [11] For the Friars of *Kings Melcombe*, upon a valuable Conſideration. [12] For Lands taken in Farm of the King, and improv'd. [13] For *Jervais le Unlre's* Pension of 24 l. per Annum, as the King's French Secretary. [14] For Lands given to the Abbot and Church of *Westminster*, out of which they were to diſtribute Alms. [15] For the Duke of *Somerſet's* Lands bought of the King, for valuable Conſiderations by *Henry Cardinal*, and ſold by the Cardinal to the Duke. [16] For the Chief Juſtice. [17] For *Oriel-College*. [18] For *All-Souls College*. [19] For the Abbot and Covent of *Selby* their Release of Diſmes. [20] For *Tho-*

mas Derling, Serjeant of Arms, his Cloathing and accustom'd Wages. [21] For *John Waterford* the same. [22] For *John Bury's* Pension of 12 p. *per diem*, &c. [23] For the Priory of *Brydlyngton*, Endow'd by the King in especial Devotion. [24] For a small parcel of Land given to the *Charter House of Sheen*, Founded by the King his Father. [25] For Lands only restor'd to the College of *Knollesmes-House* in *Pontfract*. [26] For *John Earl of Shrewsbury*, as to 100 l. Annual Pension for Life and Lands in *Waterford*, till then yeilding nothing, being in the Hands of Rebels, the said Earl having had no other Recompence for his long Services. [27] For the Lord *Scales* Pension of 100 l. *per Annum* for his long Services in *France*, and *Duchie of Normandy*. [28] For *William Stone's* Pension of 26 l. 13 s. 4. granted him last Parliament, at the Request of both Houses, for great Services as well to the King, as to his Father. [29] For *Richard Welsden's* Pension of 10 l. 6 s. *per Annum* for Life, out of the Fee-farm Rent of *New-bigging*, which Fee-farm had been usually distributed among the King's Servants from King *Edward III's* time. [30] For the City of *Canterbury's* Charter, in relation to their Officers only. [31] For Charters of Denization. [32] For Sir *John Astley's* Pen-

Pension of 100 Marks, for Life. [33] For Houses granted to the Dean and Church of St. Steven Westminster. [34] For *Will. Rouse*, one of the Clerks of the Crown, as to his Patent for his Office, and as to 20 l. *per Annum* out of the Hamper for Execution of his said Office. [35] For the Collegiate Church of *Leicester* as to their Ton of Wine. [36] For *Will. Cramen* and others their Patent who were erected into a Fraternity. [37] For the Heirs of the Lord *Bardolph* on account of Lands restor'd to them by good advice. [38] For the Vicounts, *Beaumont* and *Bougchier* both as to the Patents for their Honours and Creation-Money. [39] For the Dean and Chapter of *Lichfield*, concerning their Patent for certain Liberties and Priveleges. [40] The same for the Town of *Estratford*. [41] The same for the City of *York*. [42] For the Abbot of *Byland*, about a small Fee-farm Rent. [43] For *John Vicount Beaumont*, *Ralph Lord Cromwel*, and others, in relation to Lands granted to them, the Value not express'd in the Proviso. [44] The same for *John Fanceby*, value not express'd. [45] The same for *John Hampton*, but 40 l. *per Annum* resum'd from him. [46] For *Ralph Bapthorp*, Esquire of the Body, for Lands given, or sold to him. [47] The same for *John Norreis*, only there is re-

M ' resum'd

sum'd from him 50 Marks *per Annum* Pension and 6 *l.* 13 *s.* out of *Merston Messy.* [48] For *Phil. Wentworth* Esquire of the Body. [49] The same for *Thomas Danyel*, but the Manuor of *Gedyngton* of 26 *l.* 6 *s.* Yearly Value is resum'd from him. [50] The same for *Will. Tresbam* only 20 *per Annum* is resum'd from him. [51] The same for *Thomas Myner*, and others the King's menial Servants, only 20 out of 40 *l.* *per Annum* is resum'd from *Jenkynne Stanley*. [52] For the Earl of *Arundel*, for Lands granted to him, the value not expres'd. [53] The same for *Richard* Earl of *Warwick*. [54] For *Richard* Earl of *Salisbury*, but a Fee-farm taken from him of 24 *l.* *per Ann.* and some certain Privileges very extraordinary are taken from him, and others in *Richmondshire* reserv'd to him. [55] A Saving for the Lord *Dudley*, as to some Patentees, but other things are resum'd. [56] For certain Privileges granted to Sir *John Boteller*. [57] For Sir *Thomas Haryngton* on account of Lands granted to him for good Services, specified in the Proviso. [58] For Sir *Richard Wyddemil*, Lord *Rivers*, and others, on account of Lands granted or confirm'd to them. [59] For Sir *John Talbot*, and others, on account of 20 *l.* *per Annum* Pension to be paid to them, or the survivor

vor of them. [60] For the Lord Clifford for Lands granted to him. [61] The same for Henry Everingham, so as his Grant exceed not the value of 12 Marks per Annum. [62] For Rich. Hakedy, the King's Apothecary, as to 40 Marks Yearly granted for his Life. [63] For Robert Fenys and Thomas Bermingham for Grants made to them, but from Robert there is resum'd 20 l. Feefarm Rent. [64] For Rob. Mansfeld and his Son for Lands Granted or Confirm'd. [65] The same for Will. Say and Thomas Shargyl the Kings Servants. [66] The same for Gilbert Par, but 9 l. per Annum Feefarm Rent resum'd [67] The same to John Trevilian as to some small Grants express'd. [68] The same for Henry Langton the King's Servant. [69] The same for John Say, as to a Grant for his and his Wifes lives, but L. 9-2-6. Feefarm Rent resum'd. [70] The same for John Blackney the King's Servant. [71] The same to Rob. Fowles Hyrst the King's Servant so as it exceed not 10 Marks per Ann. [72] The same as to a Grant for life of 20 l. per Ann. [73] The same for John Down the King's Servant as to two small Grants. [74] The same to Griffith ap Nicholas as to a Grant of 15 l. per Ann. [75] The same for Henry Manners one of the King's Servants. [76] The same for John Chyval and others the

King's Servants, but three Pipes of Wine, and 10 l. *per Annum* Feefarm Rent are here resum'd. [77] The same for *Will. Elton* and others the King's Servants as to some Leases or Confirmations. [78] The same for *John Sutton* King's Servant. [79] the same for *Robert Wyllyn* King's Servant. [80] The same for *John Woodhouse* King's Servant. [81] The same for *Henry Rosington*, and others the King's Servants. [82] The same for *John Slyfirst*, and several others the King's Servants, as to their Salaries, which were reduc'd to 10 l. *per Annum*. [83] The same to *Thomas Carr* the King's Servant. [84] The same to *Andrew Love* King's Servant. [85] The same for *Thomas Schapp* King's Servant, as to 6 d. *per diem* Sallary. [86] The same for *William Langton*, and others of the King's Mynstrel, as to their Salaries of 6 l. 13 s. 4 d. *per Annum*. [87] The same for *Will. Clarence* King's Servant. [88] The same for *Bryan Wager*, King's Servant. [89] The same for *Sir Richard. Roob* and others, but in this Proviso several Resumptions are made. [90] The same for *Thomas Montgomery* Esquire, so as what he enjoys of the King's Gift exceed not 23 l. *per Annum*. [91] The same for *Thomas Calbras* King's Servant, as to his Salary of 12 p. *per diem*. [92]

[92] The same for *James Hornby* and *Tho. Osborn* Kings Servants as to their Offices, Wages and Cloathing. [93] The same as to *Tho. Bradfeld*, but here 8 Marks *per Ann.* Fee Farm Rent is resumed. [94] The same for *Rowland Lenthal* as to Lands bought of or exchanged with the Crown. [95] The same for *Rich. Wednyng* as to the Reversion of an Office. [96] The same for *Christop. Whittacre* as to an Office and Sallarie of 4 Pence *per diem*. [97] The same for *William John* as to a Grant made upon a Surrender. [98] The same to *John Brely* as to his Office. [99] The same for *Thomas Lord Egremont* as to 45 *l. per ann.* to him and his Heires for Sustentation of the Honor. [100] The same for *Wotkyn Bedell* King's Servant as to a Feefarm Rent out of Mills in *Herefordshire*. [101] The same for *Sr. Rich. Molyneux* and his Son as to their Offices and Sallaries and as to some Leases they had from the Crown. [102] A Saving to the Town of *Kingston* upon *Hull* as to some Franchises granted to them. [103] For *Ralph Leigh* and others King's Servants so as the Grant made to them all exceed not 20 *l. per ann.* [104] For *Sr. John Langton* and his Son as to some Leases. [105] A Saving to the Prior and Convent of *Tork* as to some Pardons and Releases made to them. [106] A Saving for *Sr. Edmond Hungerford*. [107] Another Saving for *Sr. Edmond Hungerford* and *Phil. Courtney* as to some Mannors they held by Lease and for which they paid Rent. [108] For *John Hunt* and others, Clerks of the Chapel as to some Grants so as no Grant made to any of them exceed 20 Marks *per ann.* [109] For

For *John Watts* and others King's Servants as to some small Penſions for Life. [110] A Saving to *John Merſton* and others the Kings Servants but with Exceptions. [111] For *John Weſenham* King's Servant. [112] A Saving to *John Holt* for ſome Lands (as it ſeems) rather reſtor'd than granted. [113] For *Thomas Frank*. [114] For *John Arnold* and others as to ſome Tenements they held in Truſt for Religious Uſes. [115] For *John Rypon* King's Servant. [116] For *John Browne* and *Thomas Cateſby* as to ſome Eſchetes and Grants of ſmall value which is expreſſed in the Proviſo. [117] A Saving for *John Baker* and *Rich. Wardale* King's Servants. [118] A Saving to the Lord *Hungerford* for the Mannor of *Hungerford* out of which there was a reſerv'd Rent, and in the ſame Proviſo there is a Saving for Sr. *Rich. Hungerford* Ld. *Molins* as to a ſmall Grant. [119] A Saving to the Earl of *Northumberland*. [120] A Saving to *Tho. Kent* as to 100 Marks *per ann.* in Conſideration that the ſaid *Kent* had been at great Expences in repairing the Port of *Southampton*, and that by this Reſumption he was to looſe ſeveral Grants expreſſ'd in the Proviſo. [121] A Saving for *John Green* Eſq; who had certain Priviledges and Free Chace granted him by Letters Patents in his own Woods. [122] For the Monks of *Sempyngbam* as to a Pardon or Release of Diſms. [123] For *Will. Bulkley* King's Servant as to his Salary of 12 Pence *per diem* who had no other reward for his long Services. [124] A Saving for *John Kingly* and *Rob. Whagrene* as to ſome ſmall Grants. [125] For *William Boerly*. [126] For
Jenkin

Jenkin Stanley and his Son as to some Grants and for the Viceroyship of a Castle. [127] A Saving for the Lord *Vessey*. [128] For *John Welbeck* Kings Servant as to his Salary of 12 Pence *per diem*. [129] A Saving to the Towne of *Nottingham* for certain Franchises provided they increase their present Feefarm Rent 13 s. 4 d. above what they already paid. [130] For *John Turges* the Queens Harper as to 10 Mark *per ann.* for Life which he was to have after the death of another. [131] For *Will. Beaufriz*, but here is a Resumption of 15 l. *per ann.* Feefarm Rent. [132] For *John Peycock* as to 6 Pence *per diem*. [133] A Saving for *Sr. Tho. Fulthorp* Justice of the Common Bench value not express'd. [134] For *Gilbert Haltoft* Secondary Baron of the Exchequer as to 20 Mark *per ann.* for his Life. [135] For the Lord Chief Baron as to 40 l. *per ann.* Robe Vesture and Furrure. [136] For *John Fowardly* as to 20 l. *per ann.* for life, and *John Poutrel* as to 20 Mark *per ann.* for life. [137] For *John Sleg* and his Wife as to 4 l. 6 s. *per ann.* for life [138] For *John Prude* Kings Glazier as to 12 Pence *per diem* for life. [139] A Saving for *Colchester* and *Ipswich* as to Franchises and Liberties. [140] For the Town of *Rye* as to a Grant made to them. [141] For the Town of *Shrewsbury* as to Franchises and Liberties. [142] For the Town of *Bridgenorth* the same. [143] A Saving to *John* late Duke of *Somerſet* as to a Feefarm Rent of 15 l. *per ann.* [144] For *Nich. Semto* as to Grants so they exceed not 20 l. *per ann.* [145] For *Giles Thorndon Esq;* as to a Grant of 7 l. *per ann.* for life which he had out of Lands in *Ireland*.

[146]

[146] For *Will. Catesby* King's Servant as to 10 *l. per ann.* for life. [147] For *John Parkes* Kings Servant. [148] For *John Martyn* Kings Servant as to 6 *d. per diem.* for his life. [149] For *George Danyel* as to Grants so they exceed not 20 Mark *per annum.* [150] For *John Hoghton* and other Servants at Arms, as to their Patentees, 'tis to be suppos'd for their Employments. [151] For *Rob. Wood* Clerk as to a Reversion of a Feefarm Rent of 10 *l. per ann.* [152] A Saving for King's Hall in *Cambridg* as to a piece of wast ground and Conduit granted. [153] For *Tho. Smith* as to his Office and Salary of 4 Pence *per diem.* [154] For *Will. Burton* Queens Servant as to 100 Shill. *per ann.* for his life. [155] For *Thomas Derlyng* and *John Moor* Serjant at Arms as to their Fees. [156] A full Saving for the Colledges founded by the King in *Cambridg* and at *Eaton*. [157] This Saving relates to the same Colleges. [158] For *Will. Bradford* and *Thomas Kendal* Kings Officers as to their Fees. [159] For *Tho. Merton* as to 100 Shillings *per ann.* [160] For the Dutches of *Somerfet* as to part of her Dower. [161] For *John Pulloo* as to his Office and Fee. [162] For *Coney ap Rice* the same. [163] For the Lady *Roos* Widdow as to 60 *l. per ann.* for life. [164] Provided also that noon exception made by us upon the Resumption in this present Parliament of any Possessions extend to oney Londs, Tenements, Fees, Offices, Fermes or any other thing in *Caleys* or in the Marches thereof. [165] A Saving for *Robert Tansfeld* as to 20 Mark *per Annum* for his life out of the Hamper. [166] For *John Somerfet*

Somerſet, Gentleman. [167] For Sir *Edmond Hampden*, Queen's Carver, as to ſome Herbage in a Park, which did not exceed 50 Shillings *per Annum*, and as to an Annuity of 20*l. per Annum* [168] For *Tho. Parker*, Eſq; as to his Grants not exceeding 24*l. per Ann.* for Life. [169] For *Tho. Pope*. [170] For *Tho. Bird*, Serjeant at Arms, as to his Wages and Cloathing. [171] For *John Daindeſey*, King's Servant. [172] For *John Skelton* as to Two Annuities, one of 20*l.* another of 10 Mark for his Life. [173] For *John Faceby*, Serjeant at Arms, as to his Office and Sallary. [174] A Saving to the Town of *Beaumaris*, as to 20*l. per Ann.* granted for its Walling. [175] For *Walter Bright*, Serjeant at Arms, as to his Office, Cloathing and Wages. [176] For *Johanna Aſtley*, the King's Nurſe, as to Two Annuities for her Life amounting in the Whole to 50*l. per Ann.* [177] A Saving to the City of *Cheſter*, as to a Releaſe granted to 'em for 50 Years of 50*l. per Ann.* part of their Fee-farm Rent. [178] For Sir *John Forteſcue*, Chief Juſtice of the King's Bench. [179] To *Thomas Brown*, as to 12*l. per Ann.* for his Life. [180] For *Henry Abydon*, Clerk of *Eaton College*, as to 8*l. per Ann.* [181] For *Henry Vavouſor*, for ſome Grants

N

which

which are express'd. [128] For *Tho. Derwent*, Sarjeant at Arms, as to his Office and Fee of 12 *d. per Diem*. [183] A particular, and then a general Saving for *King's-Hall* in *Cambridge*. [184] A Saving for the Abbot and Covent of *St. Albans*, as to Franchises and Liberties. [184] For *Tho Throp*, as to his Grants, but 10 *l. per Ann.* Fee-farm Rent the King resumes.

The Reader may observe from this Record.

1st, That the Crown was become indebted to the Subjects, in the Sum of 372000 *l.*

2^{dly}, That the Crown-Revenue, which in the Reign of *Henry* the Fifth, was 56966 *l.* became redue'd to 5000 *l. per Annum*, so much had the Crown been robb'd and pillag'd during the Minority of this Religious, but weak and unfortunate Prince.

3^{dly}, That the House of Commons thought it reasonable to relieve the King's Necessities out of his own, and by an Act of Resumption, rather than to charge the People with new Duties and Impositions.

4^{thly}, That the House of Commons thought it reasonable to make the Act so general, that they inserted only Sixteen

teen Reservations or Saving for other, so much did they consult the Publick more than any private Interest.

5thly, That the Commons desire the King to appropriate to the Expence of his Houshold the Lands so resum'd

6thly, That the King when he gave the Royal Assent to this Act, reserv'd to himself the Power of putting in Writing, while the Parliament sate, certain Moderations and Restrictions to the said Act, and the King in the said Assent excepts all Grants made as to *Calais* and *Ireland*.

The Writer of these Papers thought his Labour would not be unprofitably spent, to give an Abstract of the Restrictions and Moderations, which the King's Council believ'd at that time necessary in an Act, which was to be so very general and extensive.

In those Savings, which are in Number 185, the Reader has before his Eyes a perfect Image of the Gravity, Care, Exactness and Frugality of that Age.

Most of the said Savings relate to Parents for Employments, or for Lands rather restor'd than granted, or for some Liberties and Franchises, or for Lands given to Religious Uses, all which were affected by the Act. In some of the Pro-

vifo's, the Value of the Grant is mention'd, and in others omitted; but the general Exactness, which runs through the Whole, is a Mark, that where the Value is not express'd, 'twas notoriously inconsiderable. In many of the Savings there is something left and something taken away. The Reader may likewise note, That most of the Grants of that Age were only for Life.

Note.] In this Writing of Restrictions the King recedes from the Exception he made, as to *Calais*, when he gave the Royal Assent. [As in Saving 164.]

Note.] That the great Earl of *Shrewsbury*, who had done so many Heroick Actions, and had so valiantly fought for the Honour of his Country, had but 100*l.* *per Annum* Pension for his Life, and some Lands in *Ireland*, then of no Value, the said Earl having had no other Recompence for his long Services, which Moderation of his is a Reproach to the Avarice of the present Times, [*vide* Saving 26.]

Anno 29. *Hen.* 6. There was another Resumption made. The Preamble agrees almost Word for Word with the fore-mention'd Act; but the Acts differ when we come to the following Paragraph.

‘And

‘ And that all Lettres Patentes by you ^{Rot. Parl.}
 ‘ made, in or of any of the Premisses, to ^{29 H. 6.}
 ‘ any persone or persones, of the which ^{N. 17.}
 ‘ any Recoverer hath been hadde ayents
 ‘ the said Patentees, or any other, by Co-
 ‘ vin or Collusion, that as well the Re-
 ‘ coverer thereof, as the Letters Patentes,
 ‘ be void and of noon effecte; And over
 ‘ that like it youre Highnesse to take, re-
 ‘ sume, seise and reteign in youre said
 ‘ Handes and Possession all Manner of
 ‘ Libertees, Privileges Franchises, Hun-
 ‘ dredes, Wapentakes, Letes Rapes,
 ‘ viewe of Frankplege, Sheref Townres,
 ‘ Sheref Gildes, Amerciaments, Issues
 ‘ and Profites of the same, by you gran-
 ‘ ted syth the first Day of youre Reign,
 ‘ to oney persone or persones, Abbot,
 ‘ Priour, Deane, Chapetre, Maistre, War-
 ‘ deyn of Collage, Fraternite, Crafte,
 ‘ or Gilde, and all Maner such Grantes,
 ‘ to be voide and of noon Effecte. Ex-
 ‘ cept such Libertees, Privileges, Fran-
 ‘ chises, Hundredes, Wapentakes, Letes,
 ‘ Rapes, viewe of Frankplege, Sheref
 ‘ Townres, Sheref Gildes, Fines, Amer-
 ‘ ciaments, Issues and Profites of the same,
 ‘ and all other Libertees, Privileges,
 ‘ Franchises and Immunities, as ye have
 ‘ graunted to the Provostes and Scolers
 ‘ of youre Collages Roial, of our Lady

‘and Seint *Nicholas* of *Cambrigge*, nor to
 ‘yours Provost and Collage Roial of our
 ‘Lady of *Eaton*, and to their Successors.
 ‘And forasmuch as it is thought
 ‘to us your humble and liege People of
 ‘this your noble Roialme, comen to
 ‘this your high Courte of Parlement,
 ‘by your Auctoritie Roial, that cer-
 ‘taine and diverse Libertees, Privileges,
 ‘Freedomes, Franchises and Immuni-
 ‘tees, by you to the Provosts, Scolers,
 ‘and to the Provost and Collage and
 ‘their Successors of your Collages
 ‘of *Eaton* and *Cambrigge* granted, been
 ‘to your Highnesse prejudicial and over-
 ‘chargefull and nyous unto your People
 ‘of this your Roialme.

‘Please it therefore your most High
 ‘and Roial Mageste to ordeyne and ap-
 ‘pointe by your high Wisdome and
 ‘Discetion, that all Grauntes and Actes
 ‘of such Libertees, Privileges, Free-
 ‘domes, Franchises and Immunities,
 ‘as been to you prejudicial and over-
 ‘chargefull and nyous unto your Peo-
 ‘ple of this your Roialme be void and
 ‘of noon Effecte. Wherof we your
 ‘true Comyns in the moost lowly wyse
 ‘that we can thinke, beseeche your
 ‘moost habundant Grace, to have Know-
 ‘leche during this your said Court of Par-
 ‘lement

'lement for our special Releif and Com-
 'fort: And over that, all the Grantes
 'or Releases made by you syth the first
 'Day of youre Reigne to oney Abbot,
 'Priour, Covent or oney other Persone
 'or Persones of discharge or quiet Clayme
 'of oney Corrodie or Corrodies, Pen-
 'sion or Pensiones, Dismes Spirituels
 'or Quinzismes or Dismes Temporels
 'or of Discharge or quiet Clayme of oney
 'Rentes of Fee or Services of Fee be voide
 'and of noon Effecte; this Act and Pe-
 'tition of Resumption to begynne and
 'take Effecte the first Day of youre Par-
 'lement holden at *Westminster* the 28th
 'Yere of youre Reigne, that all man-
 'ner of Grauntes by you made or to be
 'made of oney of the said Honours, Ca-
 'stelles, Lordshipps, Towns, Town-
 'shipps, Mannors, Londes, Tenements,
 'Waltes, Rentes, Reversions, Fees, Fee-
 'farmes and Services with all their Ap-
 'purtenances or oney Discharge or quiet
 'Claime as is above reherced from the
 '1st Day of the Parlement holden at
 '*Westminster* the 28th Yere of youre
 'Reigne unto the last Day of this your
 'prelent Parlement be void and of noon
 'Effecte. And if oney persone or per-
 'sones atte oney time after the first Day
 'of this youre Parlement accepte or pur-
 'chace

‘chace youre Lettres Patentes of oney of
‘the said Honours, Castelles, Lordshippes
‘Townes , Townshippes , Mannors ,
‘Londes, Tenementes, Wastes, Rentes,
‘Reversions, Fees, Feefermes and Ser-
‘vices with all their Appurtenances, or
‘oney Discharge or quiet Claime as is
‘above reherced of oney of the Premisses
‘or oney other Possessions of Fee, or of
‘Free-holds that shuld growe to you in
‘Tyme comynge by way of Forfeiture
‘or otherwise. But if it be so that thoose
‘Letters Patentes passe by Advyse and
‘Assent of youre Chancellour and youre
‘Tresorer of *Englond* Prive Seale and Six
‘Lordes of youre grete Counseil for the
‘Tyme being and that they and itch of
‘theym subscribe in such Lettres Patentes
‘theyre Names. And that the seide
‘Letters Patentes so subscribed be enroll’d
‘in your Chancellerie of Record. And
‘if oney persone or persones accepte or
‘purchase youre Letters Patentes of oney
‘of the Premisses otherwyse, forfette un-
‘to you our Soveraigne Lord all his Londs
‘and Tenementes, that he or oney per-
‘sone or persones have to his Use atte the
‘Tyme of such Letters Patents made,
‘or oney Tyme after shall have in Fee-
‘simple holden of you, immediately to
‘you. And all other Londes and Tene-
‘ments

ments that they so shall holden of other
Persones, to them that they shall hold
of immediately, and the same Letters
Patentes to be void and of noon effecte.
And that no Person or Persones that
hadde oney thyng of the Premisses a-
fore the Tyme of the seid Resumption
be not chargeable by way of Accompt or
otherwyse for the same ayents you youre
Heires and Successours, except thoo that
by youre Grantes afore the said Resum-
ption were accomptable. And that by
Auctorite of this Parlement every of
youre Liege Men, that hath yeven or
graunted oney Londes, Tenementes,
Rentes, Advowsons, or other Posses-
sions to you, or to oney other by youre
desire, for oney other Londes, Tene-
ments, Rentes, Advowsons, or other
Possessions by you graunted, or by oney
other by youre desire, syth the first
Day of youre Reigne, that they shall
be now alyve, and theyre Heires and
the Successours of theym that been
dede, may entre, have and enjoye all
such Londes, Tenements, Rentes, Ad-
vowsons, and other Possessions so yeven
and graunted in lykewyse and fourme,
as theyre Auncestors, or Predecessours
hadde theym afore such Graunte or
Estate made of theym. And that A-
verment

‘verment in this Case may be hadde, ad-
 ‘mitted and received by this seid Aucto-
 ‘rite, for every Partie that so shall entre
 ‘into, have or enjoye oney of the Pre-
 ‘misses by theyr surmyse, that the seid
 ‘Londes, Tenementes, Rentes, Advow-
 ‘sons, or other Possessions that they shall
 ‘so entre in, have or enjoye, were yeven
 ‘or graunted for other Londes, Tene-
 ‘mentes, Rentes, Advowsons, or other
 ‘Possessions that they graunted to you,
 ‘or oney other at your Desire. Notwith-
 ‘standing, that in noo Letters Patentes
 ‘by you made, nor in such Gifts made
 ‘to you, or by any other by youre de-
 ‘sire mention be made thereof. So that
 ‘such Londes, Tenementes, Rentes, Ad-
 ‘vowsons, or other Possessions were not
 ‘rightfully in youre Possessions in Fee a-
 ‘fore such Yiftes or Grauntes, as it is a-
 ‘bove reherced, saving to every Persone
 ‘theyre Right, Title and Interest in any
 ‘of the Premisses other than they theyre
 ‘Auncestoures or Predecessours hadde,
 ‘by Force of youre Letters Patentes, so
 ‘that thereof hath been had no Reco-
 ‘verer by Covyne and Collusion.

The House of Commons judg’d it rea-
 sonable to make some Exceptions, or
 Provifo of Savings to certain Interests;
 they are in Nnmber Thirteen, and much
 of

of the same kind as the Savings in the Act that pass'd the Year before. Then follows.

‘ And for as moch as it is pleynty and
‘ universallly conceyved throughoute all
‘ this youre Roialme, that the good
‘ spede of this Acte of Resumption ys to
‘ you full, honourable, necessarie and be-
‘ hovefull, and to all youre liege People
‘ comfortable and grete releife of their
‘ Povertee, the which they been in for
‘ many unportable Charges leyed upon
‘ theym afore this tyme, for that the seid
‘ Resumption afore this tyme hath not be
‘ effectually had. We youre true, hum-
‘ ble Obeisant and faithful liege People,
‘ comyn for the comen of this youre no-
‘ ble Roialme, to this youre high Courte
‘ of Parlement, by youre Autorite Roiall,
‘ in the moost lowly wise to us possible,
‘ beseechen youre most Noblaye, graci-
‘ ously and tenderly to confidre the grete
‘ Benefites that shuld growe unto you,
‘ and to this your Roialme, by the Meane
‘ of this Resumption. That it please there-
‘ fore your moost habundat Grace, that
‘ the seid Resumption may take good and
‘ effectual Conclusion, whereof we youre
‘ seid humble liege People, undre the Fa-
‘ voure of youre high and moost noble
‘ Grace, may have knowlech during this
‘ youre

‘ your seid Parliament, for your singular Wele and special Comfort and Consolation of us, and all thoo that we come fore.

Resp. ‘ As for answer of the Petition and request of Resumption made to the Kyng by the Commons of this his present Parlement assembled, His Highness wol that they know, That by thadvyse and assent of the Lordes Spirituell and Temporell, beyng in the same Parlement, and by thauكتورite of the same Parlement His Excellence is agreed to resume and resumyth into his Hands and Possession all Honoures, Castels, Lordships, Towns, Townships, Manors, Londes, Tenementes, Wastes, Rentes, Reversions, Fees, Fee-fermes and Services, with all theyre Appurtenances in the which he had Estate in Fee, in *Englond, Wales*, and in the Marches thereof, *Ireland, Guysnes, Calais*, and in the Marches thereof, the which his Highness hath graunted by his Lettres Patentes, or otherwyse syth the first Day of his Reigne. And all the Honoures, Castels, Lordships, Townes, Towneshippes, Manors, Londes, Tenementes, Wastes, Rents, Reversions, Fees, Fee-fermes, and Services, with all their Appurtenances, the

' the which were of the Dutchie of *Lan-*
 ' *castre*, and pass'd from his Highnesse by
 ' his Graunt or Graunts. And he to have
 ' all the Premisses in and of like Estate as
 ' his Excellence had theyme at the tyme
 ' of such Grantes made by hym of theym.
 ' And that all Lettres Patentes, or
 ' Grauntes by his Highnesse, or by any
 ' other Person or Persones at his re-
 ' quest or desire made to any persone or
 ' persones of the Premisses, or of any of
 ' theym in that, that is of any of the Pre-
 ' misses, be voide and of noo force. And
 ' over that, that all manere of Grauntes
 ' of Rentes, Charges or Annuities made
 ' by the Kyng's Highnesse of Estate of En-
 ' heritance, or for Term of Life or Term
 ' of Yeris, or at the Wille to any persone or
 ' persons to be taken of any of these Pre-
 ' misses, or of any other of his Possessions,
 ' or of his Custums or Subsidies, or Aw-
 ' nage, or of his Hamper, or at, or in his
 ' receite, or in otherwise, or in any other
 ' place, or in any of theym, or of the
 ' profites, comyng of theym, or any of
 ' theym within this his Roialme, *Irland*,
 ' *Wales*, *Guyfnes*, *Caleys*, and Marches
 ' of the same be void and of non effecte.
 ' And that all Manner of Grauntes made
 ' by His Highnesse to any persone or per-
 ' sones of Estate of Inheritaunce, terme of
 ' Life

' Life or terme of Yeris, or at his Wille
 ' of any Herbage or Pannage, Fishing, Pa-
 ' sture or Comyn of Pasture, Wareyn,
 ' Wode, Wyne, Clothyng, Furres to
 ' non Office longyng nor perteynyng
 ' the seid first Day of his Reigne, nor a-
 ' fore not yeldyng to his Highnesse the
 ' verray Value therof, nor doyng any
 ' Charge to His Highnesse therof to the
 ' Value therof, be voide and of non effecte.
 ' And that all Lettres Patentes by His
 ' Highnesse made, in, or of any of the
 ' Premisses to any Persone of the which
 ' any Recovere hath been hadde ayenst
 ' the seid Patentes, or any other by Co-
 ' vyne or Collusion that as well the Re-
 ' coverer therof as the Letters Patentes
 ' be voide and of non effecte. And over
 ' that that all the Graunts or Releses
 ' made by His Highness syth the first
 ' Day of his Reigne to any Abbot, Pri-
 ' our, Covent, or to any other Persone
 ' or Persones of Discharge or quiet Clayme
 ' of any Corrodies or Corrodie, Pensions
 ' or Pension, Dismes Spirituels or Quin-
 ' zismes, or Dismes Temporels, or of Dis-
 ' charge or quiet Clayme of any Rents of
 ' Fee or Services of Fee, be voide and of
 ' non effecte. And over that it liketh his
 ' Highness to take, resume, and seise in
 ' his said Handes and Possession all man-
 ' ner

' ner of Libertees, Privileges, Frannchises,
 ' Hundredes, Wapentakes, Letes, Rapes,
 ' viewe of Fraunkplege, Shirrif Townres,
 ' Shirrif Gildes, Fines, Amerciaments,
 ' Issues and Profites of the same by his
 ' Highnesse graunted sith the first Day
 ' of his Reigne to any Persone or Persones,
 ' or Abbot, Priour, Dean, Chapitre,
 ' Maistre or Wardeyn of College, Fra-
 ' ternitee, Crafte or Gilde, and all Man-
 ' ner such Grauntes to be voide and of
 ' non Effect. Except such Libertees,
 ' Privileges, Fraunchises, Hundreds, Wa-
 ' pentakes, Letes, Rapes, view of
 ' Fraunkplege, Shirrif Townres, Shirrif
 ' Gildes, Fines, Amerciaments, Issues
 ' and Profites of the same, and all o-
 ' ther Libertees, Privileges, Fraunchises
 ' and Immunitiees that his Highnesse
 ' hath graunted to the Provostes and Sco-
 ' lers of his Collage Roial of our Lady
 ' and St. *Nicholas* of *Cambrig*; or to the
 ' Provoste and Collage Roial our Lady
 ' of *Eaton*, and to theyre Successoures.
 ' This Acte and Petition of Resumption
 ' to begynne and take Effecte atte the
 ' Feste of Thannunciacion of oure Lady
 ' in the Yere of his Reigne XXIX. And
 ' that all maner of Graunts by his High-
 ' nesse made of any of the seid Honours,
 ' Castels, Lordships, Townes, Town-
 ' ships,

‘ships, Manoirs, Londes, Tenementes,
 ‘Wastes, Rentes, Reversions, Fees, Fee-
 ‘fermes and Services, with all their Ap-
 ‘purtenances, or any discharge or quiet
 ‘Claime as it is above reherced du-
 ‘ryng this present Parlement be from the
 ‘seid Fest of our Lady voide and of non
 ‘effect. And as to the Provisions and
 ‘Exceptions conteigned in the seid
 ‘Petition of Resumption his Highness
 ‘theym accepteth and the same agreeth
 ‘forth with, other Provisions and Excep-
 ‘tions by hym by thadvise of the seid
 ‘Lords Spirituels and Temporels, be-
 ‘yng in this seid Parlement put in wri-
 ‘tyng as the Tenours of theym hereafter
 ‘followen.

The Moderations or Savings put in
 Writing as afore, are in Number For-
 ty Two, and are much of the same Na-
 ture as those in the Act of the 28th of
 the same King, only there is here a
 more expresse Saving for those who had
bona fide purchas’d of the Crown for a
 valuable Consideration. And there is a
 general Saving for Offices, and the ac-
 customed Fees thereunto belonging.

‘And as to the Remanent conteyned
 ‘in the seid Petition of Resumption, not
 ‘specified in this his Answer,

Le Roy Savisera.

Note.]

Note.] That here the Lands of Ireland are resumed.

But as to the Fees belonging to Offices, the Point was further clear'd in an Act of the 31st Hen. VI. Chap. 7. which is in the printed Statutes.

Anno 33. Hen. VI. there pass'd another Act of Resumption.

'Prayen the Commons in this present Rot. Parl. 33 H. 6. N. 47,
'Parlement assembled, that where the
'Victorious Prince of most noble Memorie, your Fader, whom God rest,
'and other your noble Progenitours, maintain'd as worshipfull, noble and
'honourable Estate of their Household in this Lond of the Revenues thereof
'as hath oney King or Prince in oney Lond christenned to the Ease and Rest
'of the People of the same, without aggrugyng for lak of Paiment therefore,
'such as caused all other Londes to have this youre seid Lond in worshipful renowne, and as grete drede as oney
'Lond christenned.

'And notwithstanding the grete and large Grauntes of Godes, that by youre true People of this Londe hath been often tymes geven of true Love and Feith, tender Zele and Affection unto youre seide Highnesse, ye be indebted in such outrageous Somes as be not
O 'easy

‘easy to be paied which by Goddes
‘Law, and eschewyng his Displeasure,
‘owe to be paied and contented; and
‘that furthermore, the Revenues of the
‘seid Londe to youre Highnesse nowe
‘belongyng mowe not suffice to kepe
‘and susteyne your honourable House-
‘hold, which not onely, but also youre
‘other ordinarie Charge mot be kept
‘and boron worshipfully, as it accord-
‘eth to the Honour of youre Estate,
‘and youre seide Londe, if youre Ad-
‘versaries and Enemies shuld fall into
‘the Drede, wherein heretofore they
‘have been; and shall with Goddes
‘Grace, be of youre mighty Regale,
‘and of youre seid Lond, wherof your
‘People lament and sorrow petiously
‘and hevely the amennsyng of the
‘worship and prosperity, whereyn it
‘hath joyed, and ben reputed in the
‘Days heretofore, now the refuse of all
‘other Londes reputed, agrugyng also
‘right hevely the Charge that hath ben
‘born, and daily is born among theym
‘of Vitaille and other Charges for
‘youre seid Household, and ordinarie
‘Charges whereof they been not paied
‘to theyr grete losse and hurt, which
‘they mowe not of oney reason oney
‘longer susteyne.

‘It

' It please you by thadvise and Assent
 ' of the Lords Spirituel and Temporel,
 ' in this present Parlement assembled,
 ' and by auctorite of the same, for
 ' the Conservation and Supportation
 ' of youre seid Estate, which first to
 ' Goddes Pleasure, secundarie for youre
 ' own Suerte, Honor and Wele; and for
 ' the third, for the universal Wele, Ease,
 ' Reste and Suerte of this Lond, the
 ' which ye owe to preferre afore the
 ' favour of oney Persone, or oney Place,
 ' or other Thyng erthly, and to thentent
 ' that youre seid Enemies from whose
 ' knowlege the penurie of youre seid
 ' Household, and the Cause thereof, and
 ' also the agrugying therfore of youre
 ' seid People had is not hidde, whereof
 ' without dout they take a grete Cou-
 ' rage and bouldnesse ayenst youre seid
 ' Lond mowe falle from the seid Cou-
 ' rage into rebuke, and have youre seid
 ' Lond and People in such drede as here-
 ' tofore in the days of you and of youre
 ' Progenitours they have hadde, to take,
 ' seise, have, reteyne, and resume into
 ' youre hands and Possession from the
 ' Fest of Seint *Michel*, tharch angel next
 ' comyng, all Honours, Castells, Lordships,
 ' Townes, Townshipps, Maners, Londs,
 ' Tenementes, Wastes, Forestes, Chasles,
 O 2 ' Rentes,

‘ Rentes, Reversions, Fee-fermes, Ser-
 ‘ vices, Issues, Profites of Countees, Ad-
 ‘ vowsons of Piores, Churches, Ho-
 ‘ spitals, and of free-Chappel, and all
 ‘ other Revenues, with their Appurte-
 ‘ nances, pass’d from you syth the first
 ‘ day of youre Reigne, and by you
 ‘ graunted by youre Letters Patentes,
 ‘ by Authoritie of Parlement, or in oney
 ‘ other wyse by youre Grantes, Con-
 ‘ firmations, or Relesse in Fee-simple,
 ‘ Fee-taille, terme of Lyfe or terme of
 ‘ Yeris, to oney persone or persones in
 ‘ *Englond, Wales*, or in the Marches
 ‘ thereof, in youre Londe of *Ireland*,
 ‘ *Guyfnes, Calais*, or in the Marches ther-
 ‘ of, or in *Scotlond*, or in the Este or
 ‘ Weste Marches of *Englond*, toward
 ‘ *Scotlond*.

‘ And also to take, resume and re-
 ‘ teigne into youre hands from the seid
 ‘ Felt, all the Honours, Castells, Lord-
 ‘ shippes, Maners, Londes, Tenementes,
 ‘ Wastes, Rentes, Reversions, Fee-fermes
 ‘ and Services, with all theyre Appur-
 ‘ tenances which were of the Dutchie of
 ‘ *Lancastre*, and pass’d from you by youre
 ‘ Grauntes, Confirmation or Relesse, or by
 ‘ Auctoritie of Parlement, or wherof oney
 ‘ persone or persones were seised to youre
 ‘ use, or to the use of youre seid Fadir, or
 ‘ to

‘to the performing of youre or his Will,
‘ye to have, hold and reteyne all the
‘Premisses in and of like state, fourme
‘and condition as ye, or oney other to
‘yours Use, or to the Use of your seid
‘Fadir, or to the perfourming of his
‘or yours Will, hadde theym atte the
‘seid first day, or oney tyme syth oney
‘Acte or Ordenaunce by Parlement, or
‘oney mannere of Letters Patentes,
‘Grauntes, or Estates by you, or oney
‘other persone or persones of oney of
‘the Premisses in oney wise made to or
‘for oney persone or persones at youre
‘request or desire, or otherwyse not-
‘withstanding. All Offices of your seid
‘Dutchie, such as the seid first day
‘were Offices there, and the Fees, Wages
‘and Rewards than as afore to theym
‘had accustomed or apperteignyng ex-
‘cept.

‘And over that, that all Manere of
‘Grauntes of Rentes, Rent-charges, An-
‘nuities, Some or Somes of Money, by
‘you or oney other persone syth the seid
‘first day made of Estate of Enheritaunce,
‘or terme of Lyfe, or terme of Yeris
‘to oney persone, or otherwise to be ta-
‘ken or hadde in or of oney of the Pre-
‘misses, or of oney of youre Customes
‘Subsidies, Awnage, or of the Profites
‘and

‘and Revenues of youre Hanaper come-
 ‘yng, or at or in the receite of your
 ‘*Exchequer*, or in oney other Place with-
 ‘in this youre seid Realm, or in the seid
 ‘Lond of *Ireland*, or within *Wales*,
 ‘*Guyfnes*, *Caleys*, or the Marches there-
 ‘of be from the seid Fest void and of
 ‘noon Effecte, to have, hold, or occu-
 ‘pie from thenceforthe oney of the Pre-
 ‘misses.

‘And that all manere of Grauntes or
 ‘Relesses by you syth the seid first day
 ‘made to oney persone or persones of
 ‘oney Estate of Enheritaunce, terme of
 ‘Lyfe or terme of Yeres, or otherwise
 ‘of oney of the Premisses, or of the
 ‘keepyng of oney of them, or of oney
 ‘of youre Goales, or of oney Herbage
 ‘or Pannage, Fishing, Pasture or Comyn
 ‘of Pasture, Wareyn, Wode, Wax,
 ‘Wine, Cloathing, Furrres, Annuities,
 ‘Fee, or oney Wages for doying or oc-
 ‘cupying oney Office or Charge, and to
 ‘noon suche Office or Charge the seid
 ‘first day due accustomed belongyng or
 ‘apperteyning be void and of noon ef-
 ‘fecte.

‘And furthermore to ordeyne by
 ‘thadvyse, assent and auctoritie afore-
 ‘said, that all Grauntes made by you,
 ‘to oney persone or persones of oney
 ‘Office

‘ Office or Offices which were noon Of-
‘ fice or Offices the first day of youre
‘ seid Reign or afore, be voide and of
‘ noo force.

‘ And that all manere of Grauntes by
‘ you, or oney other persone or persones
‘ syth the seid first day, to oney persone
‘ or Persones made, whereby the same
‘ persone or persones to whom oney such
‘ Graunte or Grauntes be made, shuld
‘ graunte or have power to graunte oney
‘ Prebende or Prebendes, Churche or
‘ Churches, Hospital or Hospitals, fre
‘ Chappel or fre Chappels, or oney ma-
‘ nere Colleccion, Office or Offices to
‘ oney Officer, to make the Yest or
‘ Presentation of which Prebend or Pre-
‘ bendes, Churche or Churches, Hospi-
‘ tal or Hospitals, fre Chappel or fre
‘ Chappels, Colleccion, Office or Offices,
‘ or of the making of the seid Officers
‘ the seid first day, or oney tyme syth be-
‘ long’d to you be void and of noo force
‘ nor effecte, to thentent that of such Of-
‘ fices and other the Premisses, it mowe
‘ please you to reward youre Servauntes
‘ menial; furthermore, that all manere of
‘ Grauntes by you made, to oney per-
‘ sone or persones of oney Office or Of-
‘ fices which wore Offices the seid first
‘ day or afore, and to theym belongeth

Of Resumptions.

' and needeth actual Exercise, or of the
 ' Fee or Wages thereto belongyng to have
 ' in Fee Simple or in Fee Taille, in oney
 ' wyse be of noo Force nor Effecte, but
 ' onely terme of lyfe of him or theym
 ' that oney such Grauntes be made un-
 ' to. And that all the Grauntes of such
 ' Offices as that noble and worthy Prynce
 ' *Humphrey*, late Duke of *Gloucestre*, your
 ' late Uncle, whom God rest, had and
 ' occupied of youre Graunte, the which
 ' Offices were by youre Highness to
 ' oney persone or persones graunted in his
 ' lyfe to have after his Deceffe or Deth
 ' be voide and of noon effecte. And that all
 ' manere of Grauntes by you, or by oney
 ' other persone or persones by your grete
 ' Seale, Prive Seale, or Seale of your
 ' Duchie of *Lancastre* syth the seid first
 ' day made of oney Sherefwycke, or
 ' oney Office of Sherefwycke, or of oney
 ' Eschete, or of oney Office of Esche-
 ' tour, Clerke of the Peas, or of oney
 ' Baillifwycke or Wapentake to you be-
 ' longyng, for terme of lyfe or terme of
 ' Yeris, to oney persone or persones, be
 ' voide and of noon effecte. And also, that
 ' all Grauntes and Relesses made by you
 ' to oney Abbot, Priour, or oney other
 ' persone of discharge, releffe, or quiet
 ' clayme of oney Corrodies or Corrodie,
 Pension,

‘ Pension or Pensions, Dismes Spirituel,
 ‘ or Quinzismes or Dismes Temporell, or
 ‘ of the Colleccions of the same Rentes or
 ‘ Services, or of the Payment of oney
 ‘ Knyghtes Spence for comyng to your
 ‘ Parlement be voide and of noon Ef-
 ‘ fecte.

‘ *Item*, That all Grauntes made by
 ‘ you by youre Letters Patentes, or other-
 ‘ wyse to oney Persone or Persones to be
 ‘ Justices of your Benche or of the com-
 ‘ mon Benche within youre Lond of
 ‘ Ireland or of the Office of Keeper of the
 ‘ Rolls of Chancery of the same Lond
 ‘ for terme of lyfe be voide and of noon
 ‘ Force nor Effecte. And also that all
 ‘ Graunte or Grauntes by you made to
 ‘ oney persone or persones of oney Office
 ‘ or Offices, wherupon no Charge hangeth
 ‘ nor nedeth to be of actuel Exercite or
 ‘ Occupation be voide and of noo Force
 ‘ nor Effecte. And also by the seid Ad-
 ‘ vyse, Assent and Auctority ye will
 ‘ graunte, ordeyne and establish that e-
 ‘ very persone that hath any Castells,
 ‘ Manours, Londes, Tenements, Rentes,
 ‘ Services, Commoditees, Advowsons,
 ‘ Possessions, or oney Enheritaments to
 ‘ you or to oney other persone or body
 ‘ corporate to youre or oney of theyre
 ‘ Use at youre Desire or Contemplation
 ‘ for

' for oney Rentes, Annuites, Summes of
 ' Money or Thyng that shuld or might
 ' have be taken or had of oney Custume
 ' or Subsidies in oney youre Portes with-
 ' in this youre Realme, or in or at the
 ' receite of youre Exchequer if no Yifte
 ' of Exchaunge nor Recompence for
 ' oney Thyng be hadde, be made, may
 ' have immediatly and have, reteyne, kepe,
 ' entre and enjoye peasebly without oney
 ' Suite or yit Lett or Disturbance of you
 ' youre Heires or oney other from the
 ' seid Fest as well all the seid Manours,
 ' Londes, Tenements, Rentes, Advow-
 ' sons, Possessions and Enheritaments,
 ' with theyre Appurtenaunces in oney
 ' wyse so given to you or to oney persone
 ' or Body corporate at youre Desire or
 ' Contemplation by him or his Auncest-
 ' res, or by him, or hir or theyr Predeces-
 ' sours, or by thoo whos Estate oney such
 ' your Leiges hath or hadde in the Londs,
 ' Tenementes, Rentes, Possessions or
 ' Enheritaments taken of you in Ex-
 ' chaunge as the seid Rentes, Annuites,
 ' and Summes of Money that he shuld
 ' or might have hadde of oney Customes
 ' or Subsidies, or att your receite afore-
 ' seid if no manere of Exchaunge nor Re-
 ' compence had be taken of you ther-
 ' fore by him nor by noon his Anncest-
 ' ours

‘ours or Predecessours in like manere,
‘Fourme and State as though no such
‘Graunte or Estate of Exchange or Re-
‘compence had be made.

‘So alwey that the Manours, Londes,
‘Tenementes, Rentes, Annuitees, Ad-
‘vowsons, Sommes of Money and En-
‘heritaments afore rehersed geven to you
‘or to oney other persone or body cor-
‘porate, or lesse to be take for oney of the
‘seid Exchange or Recompence were
‘not youres ne noon other persone or
‘persones to youre Use the first Day of
‘your noble Reigne nor after save only
‘by reason of the Yefts, Grauntes or
‘Cause aforesaid. Except and forprised
‘oute of this Acte of Resumption all the
‘Castells, Manours, Londes, Tene-
‘mentes, Rentes, Services, Possessions
‘and Enheritaments with their Appur-
‘tenaunces, wherof every persone or per-
‘sones have had restitution by Auctorite
‘of Parlement, restitution by the Cours of
‘the Comyn Law.

Then the House of Commons made
some few Savings, in Number Twelve,
which are much of the like Nature of
those in the Two former Acts. Then
follows.

‘And

‘ And for as muche as it is plainly and
 ‘ universally conceived through all this
 ‘ your Reame, that the good Spede of
 ‘ this Acte of Resumption is to you full
 ‘ honourable, necessarie and behovefull
 ‘ and to all youre liege People comfor-
 ‘ table and grete reliefe of their Pover-
 ‘ tie which they been in for many un-
 ‘ portable Charges leid upon them be-
 ‘ fore this Tyme for that the seid Re-
 ‘ sumption afore this Tyme hath not be-
 ‘ effectually hadde. Wee youre humble
 ‘ true, abeisaunte and feithfull People co-
 ‘ men for the Comyn of this youre Reame
 ‘ and to this youre high Court of Par-
 ‘ lement by youre Auctorite Roial in
 ‘ the moost lowly wyse besече youre
 ‘ moost Noblaye, graciously and tender-
 ‘ ly to consider the grete Benefites that
 ‘ shuld growe unto you and this youre
 ‘ Reame by the meane of this youre Re-
 ‘ sumption, that it please youre Highnesse
 ‘ that if so be that ye like by thadvise
 ‘ of youre Lords spirituall and temporell
 ‘ in this present Parlement assembled to
 ‘ make oney Provisions or Exceptions o-
 ‘ ther then be conteynd in this our Peti-
 ‘ tion, that then the seid Provisions and
 ‘ Exceptions be sende down unto us to
 ‘ that ende that we may give oure As-
 ‘ sentes therto, if it be thought to us ex-
 ‘ pedient

‘pedient and behovefull. And that by
 ‘the same Auctorite it be ordeyned that
 ‘if oney of your liege People after the
 ‘feid Fest of St. *Michel* take and receive
 ‘yours Graunte or Grauntes of oney of
 ‘the Premisses excepte before excepte
 ‘then he or they as oft as he or they that
 ‘so take and receive renne into the Pe-
 ‘nalte of the Statutes of *Provisours*. And
 ‘over that, that he or they that so take or
 ‘receive oney such Graunte or Grauntes
 ‘excepte afore excepte contrarie to this
 ‘our Desyre forsaite a M. Marks as oft
 ‘as they so take or receyve, wherof the
 ‘oon half to be forfaited to you and that
 ‘to be applyed to the contentyng of the
 ‘Wages of the Souledeours of *Calyses*, and
 ‘that other half to him that will sue.
 ‘And he that will sue yerfore may have
 ‘an Action of Dette agenst oney such
 ‘persone or personies, and such Process
 ‘theryn as lyeth in an Action of Dette
 ‘at the comyn Lawe, and that the De-
 ‘fendantes of such Suites shall not be
 ‘essoyned wage theyre Law, nor beg
 ‘Protections in delay of the feid Suites.
 ‘All Grauntes to be made by yours
 ‘Letters Patentes by the Bille of the
 ‘Treforer of *Englond* for the tyme be-
 ‘yng of oney of the Premisses.

‘ And

‘ And also all Grauntes to be made of
 ‘ old Offices, which were Offices the
 ‘ first Day of youre Reigne, to the
 ‘ which belongeth and needeth actuel
 ‘ Exercise and Fees, and Wages the same
 ‘ first day to the same Offices perteyn-
 ‘ yng or belongyng, except out of the
 ‘ seid Peynes. And that no such persone
 ‘ to whom oney Lesse or Lesses, Graunte
 ‘ or Grauntes shall be made after the seid
 ‘ Fest for terme of Yeris or atte Wille, of
 ‘ oney Thyng parcelle of the Duchie of
 ‘ *Lancastre*, Erldome of *Chestre*, Princi-
 ‘ palete of *Wales*, *Caleys* and *Gwynnes* and
 ‘ the Marches therof, or of oney thyng to
 ‘ theym or oney of theym belongyng or
 ‘ apperteynyng be not hurt nor enda-
 ‘ maggd by the penalty of this seid Acte.

Then follow Two Savings, one for the
 Prince of *Wales*, and another for *Richard*
 Duke of *York*, as to some Patents they had.

Resp. ‘ As touching this Petition of
 ‘ Resumption the Kyng hath well con-
 ‘ ceived and understood the Maters, Ar-
 ‘ ticles and Desyres conteyned in the
 ‘ same Petition; wherefore the Kyng by
 ‘ thadvyse and assent of the Lords Spirituel
 ‘ and Temporel, beyng in this present
 ‘ Parlement, and by Auctorite of the
 ‘ same, taketh and resumeth into his
 ‘ Hands all manner thyngs conteyn-
 ed

‘ed in the seid Petition, and the same
 ‘agreeth and accepteth, the Penalte in
 ‘seid Petition except and leid apart;
 ‘alweye his Prerogative reserved; for-
 ‘seyn alweye that suche Provisions and
 ‘Exceptions as been by his Highnesse,
 ‘by thadvise of the seid Lordes Spiri-
 ‘tuel and Temporel made and agreed,
 ‘or to be agreed; and in this same Par-
 ‘liament put in Wrytyng upon the pre-
 ‘misses, be good and effectuel the seid
 ‘Acte notwithstanding for the Egalte
 ‘and Reason that the Kyng ought to do
 ‘to his People, the which shall be to the
 ‘pleaser of Godde, the Honour and the
 ‘Wele of his Lond and People.

Then follow a great Number of Sa-
 vings and Provisions, all of ’em much
 of the same Nature with those in the
 former Acts; and none of ’em seem such
 as could any wise defeat the Design of
 the Parliament, which was, that all im-
 moderate Grants should be actually re-
 sumed.

But some may object, that *Henry* the
 Sixth, under whose Reign these Three
 Resumptions were made, was a weak
 Prince, unfortunate Abroad, engag’d in
 Factions at Home, and kept under by
 the Power of the House of *Tork*; where-
 unto

unto we answer, That it was the Interest of Great Men rather to oppose such an Act, for they were most like to suffer by it; therefore its Passing was not the Effect of Faction, but, indeed, it was carry'd on by the Weight of the People. But these Objections will be more fully answer'd, when we shew that the same Thing was done by a Prince, who had master'd all Parties, and under an Active and Martial Reign, which was that of *Edw. IV.* his Successour, where the Presidents for a Resumption are Four Times confirmed.

As soon as *Edward* the Fourth came to the Crown, one of the first Things desired by his Subjects, was an Act of Resumption.

Rot. Parl.
1 *Edw. 4.*
N. 11.

— And over that, that our seid
Sovereign leige Lord Kyng *Edward IV.*
the Fourth Day of *Marche* was lawfully
seised and possessed of the seid Corone
of *Englond* in his Right and Title, and
from thenceforth have to hym, and hys
Heires Kynges of *Englond*, all such
Mannours, Castels, Lordshippes, Honours,
Londes, Tenements, Rentes, Services,
Fees, Feefermes, Rentes, Knyghts
Fees, Advowsons, Gyftes of Offices to
geve at his pleasure, Fairs, Markets,
Issues,

‘ Issues, Fines, and Amerciaments, Liberties, Franchises, Prerogatives, Escheates, Custumes, Reversions, Remainders, and all other Hereditaments, with their Appurtenances whatsoever, by they in *Englond, Wales, and Ireland*, and in *Cales*, and the Marches thereof, as Kyng *Richard* the 2d. had on the Fest of Seint *Matthew* the Apostle, the 23th Yere of his Reigne, in the Right and Title of the seid Corone of *Englond*, and Lordshippe of *Ireland*.

Resp. ‘ The Kinge by thadvyse and Assent of the Lords Spirituel and Temporel in this present Parlement assembled, at the Request of the Comyns beyng in the same, agreeth and assenteth to this Petition, and it accepteth, with certain Moderations, Provisions and Exceptions, by his Highnesse thereupon made, and in certain Cedules written, and in the same Parlement delivered, the Tenor of which follows.

Then follow the Exceptions or Savings to particular Interests, which are in Number 85.

But this Resumption looking so far backwards, as the Reigns of *Henry* the Sixth, *Henry* the Fifth, and *Henry* the Fourth, was too large to have any good

P

Effect:

Effect: And as to its having been impracticable, and not well concerted, we have this Argument, that a new Act better digested, and which did not retrospect so far, was thought necessary, Anno 3. & 4. of the same Reign.

Anno 3 & 4. Edw. 4. There pass'd another Act of Resumption.

3 & 4 Ed. 4.
Rot. Parl.
N. 39.

— 'At which day and place, for
'divers Causes and Considerations, con-
'teinyng the Honour and Prosperite of
'the Kyng our Soverayne Lord, and al-
'so the Commonwele, Defence and Wel-
'fare of this Reame, and of his Subgetes
'of the same, hit is ordeyned and enact-
'ed, and stablished by thadvyse and as-
'sent of the Lords Spirituels and Tem-
'porels, and of the Comyns in this pre-
'sent Parlement assembled, and by Au-
'thorite of the same, That the King fro
'the Fest of the purification of oure La-
'dy the Yere of our Lord 1464, have,
'take, seize, hold and joye all the Ho-
'nours, Castells, Lordshippes, Towns,
'Townshipes, Manours, Londes Tene-
'ments, Wastes, Forestes, Chases, Rentcs,
'Annuities Reversions, Fermes, Services,
'Issues, Profites, and Commodites of
'Shires, which he had the 4th day of
'Marche, or eny Time after afore the seid
'Fest, by reason of his Duchie of Lan-
castre,

‘*castre*, or by the Forfeitur of *Henry* the
 ‘*6th*, late in dede, and not in right
 ‘Kyng of *Englond*; in *Englond*, *Irelond*,
 ‘*Wales*, and Marches thereof, *Guysnes* and
 ‘*Caleys*, and Marches thereof; and passed
 ‘from him the seid 4th day of *Marche*,
 ‘or eny tyme after and afore the seid Ffest,
 ‘by his Letters Patentes to eny persone
 ‘or persones, in Fees, Fee-simple, Fee-taille,
 ‘terme of Life, or terme of Yeres: And
 ‘that the Kyng have and injoy every of
 ‘the Premisses in like Estate and Con-
 ‘dition as he had theym the seid 4th
 ‘day of *Marche* or after: And also, that
 ‘all Yests, Grauntes and Relesses made
 ‘by the Kyng the seid 4th Day of *Marche*,
 ‘or eny time after afore the seid Ffest,
 ‘to eny persone or persones of eny of
 ‘the Premisses, in Fee-simple, Fee-
 ‘taille, terme of Life or terme of Yeres,
 ‘under eny of his Seales be from the seid
 ‘Ffest of Purification void and of noo
 ‘force nor effecte.

‘And also that all Yestes, Grauntes, *Ibid.N.40*
 ‘Ratifications, Relesses and Confirmati-
 ‘ons made by the Kyng the seid 4th day
 ‘of *March*, or eny tyme after and afore
 ‘the seid Ffest, to eny persone or per-
 ‘sones of any Possession, Right, Title,
 ‘or Interesse of his Duchie of *Torke*, or

Of Resumptions.

‘Erl dome of *Marche*, or eny part of
 ‘them, or of eny Pension, Rent, An-
 ‘nuite to be had, taken, perceyved or
 ‘levyed of, or in the same Duchie and
 ‘Erl dome, or eny of theym, or eny par-
 ‘cell of theym, be from the seid Fest
 ‘void and of noo force nor effecte.

‘And that this Act extende not to
 ‘eny Honours, Castells, Lordshipps, Ma-
 ‘nours, Londes, Tenementes, Rentes,
 ‘Services, Possessions or Enheritaments
 ‘which came to the Hands or Possession
 ‘of our seid Sovereine Lord King *Ed-*
 ‘ward the 4th, or apperteined or be-
 ‘longed to him, or that he shuld have
 ‘had the seid 4th day of *Marche*, or eny
 ‘tyme after by the forfeiture of eny per-
 ‘sone in the Parlement, hold at *West-*
 ‘minster the 4th day of *November*, the
 ‘seid first Yere attainted, or by force
 ‘of an Act of Forfeiture therein made,
 ‘other than by the Forfeiture of *Mar-*
 ‘garete, late called Queen of *Englond*:
 ‘And also that this Act extend not to
 ‘any Graunte or Grauntes afore this
 ‘tyme made to any Lord not attainted
 ‘of eny Annuite for the Sustentation of his
 ‘Name and Estate, nor to noon Office
 ‘or Offices which were Office or Offices
 ‘the seid 4th day of *Marche*, or afore
 ‘and

‘and needeth actual Exercise graunted
‘the seid 4th day of *Marche* or after, to
‘eny persone or persones for terme of
‘his Lyfe, or theire Lyfes, with Fees,
‘Wages and Profites to the same Office
‘or Offices afore the seid 4th day of
‘*Marche* due and accustomed.

‘And also that all Yests made by the
‘Kyng the seid 4th day of *Marche*, or
‘eny tyme after under eny of his Seales,
‘to eny persone or persones of eny Of-
‘fice, whereupon noo Charge hangeth,
‘nor nedeth to be of actual Exercise or
‘Occupation, be from the seid Fest voide
‘and of noo force nor effecte.

‘Also that all Grauntes made by the
‘Kyng the seid 4th day of *Marche*, or
‘eny tyme after, to eny persone or per-
‘sones of eny Office or Offices, with
‘Fees and Wages then not due and ac-
‘customed, nor appurteynnyng to the
‘same Office or Offices the seid 4th day
‘of *Marche* be from the seid Fest, as to
‘the seid Fees and Wages not due and
‘accustomed void and of noo force and
‘effecte.

‘This Acte to be had, and take with
‘such Exceptions and Provisions, as shall
‘please the Kyng to make.

Then follow Three Savings made by the House of Commons. 1st. For Sums issued to the Payment of the King's own Debts. 2. For Corporations, Cities and Boroughs, &c. as to any Gift, Grant, Demise, Lease, Release, Jurisdiction, Authority, Confirmation, Ratification, Licence, Pardon, &c. granted by the Kings, Henry the 4th, 5th and 6th. 3. For Grants or Licenses given by the said Kings to any Person, to found or make Fraternities, Gyldes, Hospitals, &c. or to purchase Lands for those Uses.

Then follow a prodigious Number of Savings and Exceptions, and so many, as, indeed, seem intirely to defeat the Design and Intention of the Act; which, in the 7th of the same Reign, produc'd another Resumption.

This Heroick Prince, who himself had fought so many Battles, and who by his Courage from a private Person, got to be King of *England*, invites his People from the Throne, to resume what had been plunder'd from the Crown, in the Words following.

7 Edw. 4.
Rot. Parl.
N. 7.

'*John Say*, and ye Sirs comyn to this
'my Court of Parlement, for the Co-
'mon of this my Lond: The Cause why
'Y have called and summoned this my
'pre-

‘present Parlement, is, Y purpose to
‘to lyve upon my nowne, and not to
‘charge my Subgetts, but in grete and
‘urgent Causes, concerning more the
‘wele of theymself, and also the Defence
‘of theym, and of this my Reame, ra-
‘ther then my nowne pleaser, as here-
‘tofore by Comons of this Lond hath
‘been doon, and born unto my Progeni-
‘tours in tyme of nede; wherein Y
‘trust, that ye Sirs, and all the Comons
‘of this my Lond, wol be as tender and
‘kind unto me in such Cases as hereto-
‘fore eney Comons have been to eney
‘of my seid Progenitours. And for the
‘good Wills, kindnesse and true Herts
‘that ye have born, continued and show-
‘ed unto me at all tymes heretofore, Y
‘thank ye as hertily as Y can; as so Y
‘trust ye wol continue in tyme com-
‘yng; for the which, by the Grace of
‘God, Y shall be to you as good and
‘gracious Kyng, and reigne as right,
‘wisely upon you as ever did eney of
‘my Progenitours upon Comons of this
‘my Reame in days paste; and shall al-
‘so in tyme of nede aply my persone for
‘the Wele and Defence of you and of
‘this Reame, not sparyng my Body nor
‘Lyfe for eny jeopardie that mought
‘happen to the same.

Ibid. N.8.

Memorandum. Quod quedam Cedula formam cujusdem Actus Resumptionis in se continentis exhibita fuit in presenti Parlamento in hac Verba. ‘ For divers Causes
 ‘ and Considerations concerning the Honour, State and Prosperite of the Kyng,
 ‘ and also of the Commonwele, defence,
 ‘ surete and welfare of this Reame, and
 ‘ his Subgettes of the same, it is ordeyn-
 ‘ ed, enacted and establisshed by thadvise
 ‘ and Assent of the Lords Spirituells and
 ‘ Temporells, and Comons in this present Parlement assembled, and by Authority of the same, That the Kyng
 ‘ from the Fest of *Ester* last past, have,
 ‘ take, seize, hold and joy all Honours,
 ‘ Castells, Lordshippes, Townes, Towneshippes, Manors, Londes, Tenementes,
 ‘ Wastes, Forrestes, Chaces, Rentes, Annuities, Fermes, Fee-fermes, Reverfions, Services, Issues, Profites, Commoditees, which he was seised and possessed of the 4th day of *Marche*, the first Yere of his Reigne, or eny tyme after,
 ‘ by resone of the Coroune of *Englond*, the Duchie of *Cornwaille*, Principallite of *Wales*, and Erldom of *Chestre*, or eny of theym in *Englond*, *Irland*, *Wales*, and Marches thereof, or that apperteyned or belonged to hym the same
 ‘ fowerth

‘ fowerth day, or eny tyme sin, as par-
‘ cell of his Duchie of *Lancastre*, or by
‘ the forfaiture of *Henry* the Sixt, late in
‘ dede, and not in Right Kyng of *Eng-*
‘ *land*, or eny Person atteynted sin the
‘ seid 4th day of *Marche*, by auctorite of
‘ eny Parlement holden sin the seid 4th
‘ day, or otherwyse attaynted by the
‘ course of the Comon Lawe of this
‘ *Lond*, and passed from the Kyng un-
‘ der eny of his Seales, to eny Person
‘ or Persones in Fee-simple or Fee-taille,
‘ terme of Lyfe or terme of Yeres, and
‘ that the Kyng fro the seid Fest of *Ester*,
‘ have, hold and joye every of the Pre-
‘ misses in lyke estate as he had theym
‘ the seid fowrthe day of *Marche*, or eny
‘ tyme after.

‘ Also that all Yests, Grauntes, Ratifica-
‘ tions, Releses, Leses, Demysses and Con-
‘ firmations made by the Kyng the seyde
‘ 4th day of *Marche*, or eny tyme sin to
‘ eny Person or Persones of eny of the
‘ Premisses in Fee-simple or Fee-taille,
‘ terme of Lyfe or terme of Yeres, un-
‘ der eny of his Seales, be from the seid
‘ Fest of *Ester* void and of noo force nor
‘ effecte.

‘ And furthermore it is ordeyned by
‘ the seid Advyse, Assent and Auctorite,
‘ That

' That the Kyng from the seid Fest of
 ' *Ester*, have, take, seise, hold and joy all
 ' Honours, Castells, Lordshippes, Townes,
 ' Towneshippes, Manours, Londes, Tene-
 ' mentes, Rentes, Services, Possessions,
 ' Enheritaments, Issues, Profites and Co-
 ' moditees which the full noble and fa-
 ' mous Prynce *Richard* veray true and
 ' rightwyse Enheritour to the Reams
 ' of *England* and *France*, and Lordshipp
 ' of *Ireland*, Fader to the Kyng, was sei-
 ' sed of to his owne Use and Behoofe the
 ' 30th Day of *December*, the 39th Yere
 ' of the pretended Reigne of the seid
 ' *Henry* the Sixth. And that the Kyng
 ' from the seid Fest of *Ester*, have, hold
 ' and joy all the seid Honours, Castells,
 ' Lordshippes, Townes, Towneshippes,
 ' Manours, Londs, Tenementes, Rentes,
 ' Services, Possessions, Enheritaments,
 ' Issues, Profites and Commoditees in
 ' like Estate as his seid Fader had theym
 ' the seid 30th of *December*. And that
 ' all Yests, Grauntes, Ratifications, Re-
 ' leses, Leses, Demyfes and Confirma-
 ' tions made by the Kyng sin the
 ' same 30th Day to eny persone or per-
 ' sones under eny of his Seales of eny
 ' of the same Possessions, Issues, Profites
 ' or Comoditees, or of eny Lordshippes,
 ' Manors,

‘Manors, Londres, Tenementes, Posses-
 ‘sions or Enheritaments wherof eny per-
 ‘sone or persones were seised the same
 ‘30th Day to the Use and Behoof of
 ‘his seid Fader, or of eny Right, Title
 ‘or Intres of, or in eny part of the same,
 ‘or of, or in eny of the Premisses, which
 ‘his seid Fader was seised of the seid 30th
 ‘Day, or of eny Pension, Rent, Annui-
 ‘tee to be had, taken, perceyved or levyed
 ‘of, or in eny part therof, or of or in eny
 ‘part whereof eny persone or persones
 ‘were seised to the Use and Behoof of
 ‘his seid Fader the seid 30th Day, be
 ‘from the seid Fest of *Ester* voide and of
 ‘noo force nor effecte.

‘And also by the seid Advyse, Assent
 ‘and Auctorite, it is ordeyned and sta-
 ‘blished, That such lawfull Right, Title,
 ‘Clayme and Interest be saved and had
 ‘to every persone and persones of every
 ‘theyr Heires other than the seid per-
 ‘sones atteynted and theyr Heires clay-
 ‘myng in by theym, or eny of theym, as
 ‘he or they not atteynted might or shuld
 ‘have had in eny of the Premisses yf this
 ‘Acte had not been made otherwyse then
 ‘by the Kynge Graunte, or eny of his
 ‘Lettres Patentes, or Assignment.

‘And

Of Resumptions.

‘ And furthermore it is ordeyned by
 ‘ the seid Advyse, Assent and Auctorite,
 ‘ That all Yefis made by the Kyng the
 ‘ seid 4th Day of *Marche*, or eny Tyme
 ‘ sin to eny persone or persones of eny
 ‘ Office in *Englond, Irland, Wales*, or Mar-
 ‘ ches therof, wherupon no Charge hang-
 ‘ eth nor nedeth to be of actual Exercise
 ‘ or Occupation, be from the seid Fest
 ‘ of *Ester* voide and of noo Force nor
 ‘ Effecte.

‘ Also, That all Grauntes made by
 ‘ the Kyng the seid 4th Day of *Marche*,
 ‘ or eny tyme sin to eny persone or per-
 ‘ sones of eny Office or Offices in *Eng-
 ‘ lond, Irland, Wales*, or Marches therof,
 ‘ *Gaysnes, Caley*s, or Marches therof, with
 ‘ Fees, Wages, Profites or Commodities
 ‘ not used and accustomed to the same
 ‘ Office or Offices afore the same 4th Day
 ‘ of *Marche*, be from the seid Fest of *Ester*,
 ‘ as to the seid Fees, Wages, Profites
 ‘ and Commoditees, and every of theym
 ‘ so not used and accustomed voide and
 ‘ of noo Force nor Effecte.

‘ Also, That every Graunte made by
 ‘ the Kyng the seid 4th Day of *Marche*,
 ‘ or eny time since to eny persone for
 ‘ terme of his Life of the Office of Sar-
 ‘ jeant of Armes be from the seid Fest of
 ‘ *Ester*

‘Efter of noon other force and effecte,
‘than onely at the Kyngs Will and Plea-
‘fer.

Then follow feveral Savings much of the like Nature as thofe in the former Acts; as alfo fome Regulations relating to the King’s Tenants, not material to our prefent Subject.

Qua quidem cedula transportata fuit Communibus Regni Angliæ in dicto Parlamento existent. Cui iidem Communes Affensum suum prebuerunt sub hiis Verbis. A toutes lez Actes & Provisions desuis Escriptez les Communes sont assentuz. Quibus quidem cedula & assensu in Parlamento predicto lectis auditis & plenius intellectis de avifamento & assensu & autoritate predict. respondebat eidem in forma sequen.

Resp. Le Roy le voet ovesq. lez Provisions & Exceptions sur ceo pur luy faitz les tenours de queux cy apres ensuent.

That is, the King consents to the Bill with the ensuing Provisions and Exceptions: Then follow a great Number of Savings and Provisions, most of ’em for private Persons, and much of the same Nature as thofe of the former Acts.

And at the closing of the Sessions, the King thanks the H. of Commons, by the Mouth of the Bishop of Bath and Wells,
his

7 Edw. 4.
Ror. Parl.
N. 15.

his then Chancellor for this Resumption.

* *Pro suis Laboribus circa dictam Resumptionem ostensis. — Idem Dominus Rex omnia & singula per ipsos Communes declarata & desiderata profunde conceperat.*

Anno 13. Edw. 4. There pass'd another Act of Resumption for that, either the former had been so ill executed, or that the Exceptions had been so many as to frustrate the good Intentions of the House of Commons.

13 Edw. 4.
Rot. Parl.
N. 6.

‘ For divers Causes and Considerations concerning the Honour, Estate and Prosperite of the Kyng, and also the common Wele, Defence, Surete and Welfare of this Reame and Subgettes of the same ; it is ordeyned, enacted and stablished by Thadvyse and Assent of the Lordes Spirituells and Temporells, and by the Commons in this present Parlement assembled, and by the Auctorite of the same, That the Kyng from the Fest of the Seynt Thomas thappostill, that shall be in the Yere of our Lord God One Thousand Fowre Hundred Seventy and Three, shall have, take, seise, hold, possesse and joye all Honours, Castelles, Lordshipps, Manors, Londs, Tenementes, Rentes and Annuitees, which he was seised
‘ and

‘ and possessed of in the 4th Day of *March*,
 ‘ the first Yere of his Reign, or eny time
 ‘ after by reason of the Corone of *England*;
 ‘ in *England*, *Irland*, *Wales*, or Marches
 ‘ therof, *Guyfnes*, *Caleys*, or Marches ther-
 ‘ of; and also that apperteyned or belong-
 ‘ ed to him the same 4th Day of *Marche*,
 ‘ or eny tyme sith, as parcelle of hys
 ‘ Duchie of *Lancastre*, or by forfaiture
 ‘ of *Henry* the Sixt late in Dede, and
 ‘ not in Right Kyng of *England*: And of
 ‘ eny persone atteynted sith the seid 4th
 ‘ Day of *Marche* by Auctorite of eny Par-
 ‘ lement holden sith the same 4th Day
 ‘ of *Marche*, or otherwyse atteynted by
 ‘ the Cours of the Common Lawe of this
 ‘ Lond, and passed fro the Kyng undre
 ‘ eny of his Seales to eny persone or per-
 ‘ sones in *Fee-simple* or *Fee-taille*, for
 ‘ terme of *Lyfe*, or terme of *Yeres*, or
 ‘ otherwyse, by the Kyngs Graunte un-
 ‘ der his Seales; and that the Kyng
 ‘ from the seid Ffest of *St. Thomas*, have,
 ‘ hold, possede and enjoye eny of the
 ‘ Premisses in and of like Estate and Con-
 ‘ dition, as he had theym in the seid 4th
 ‘ Day of *Marche*, or eny tyme after.

‘ And furthermore, it is ordeyned by
 ‘ the seid Advyse, Assent and Auctorite,
 ‘ That the Kyng from the seid Ffest of
 ‘ Seynt

‘ Seynt *Thomas*, have, take, seise, hold
 ‘ and enjoye all Honours, Castells, Lord-
 ‘ shippes, Manoirs, Londes, Tenements,
 ‘ Rentes and Annuitees, which the full
 ‘ noble and famous Prynce *Richard* veray
 ‘ true and rightwyse Enheritour to the
 ‘ Reames of *Englond* and *France*, and Lord-
 ‘ shippe of *Irland*, Fader to the Kyng, was
 ‘ seised of to his owne Use and Behove
 ‘ the 29th Day of *December* the 29th Yere
 ‘ of the pretended Reigne of the seid
 ‘ *Henry* the Sixt: And that the Kyng
 ‘ from the seyd Fest of Seynt *Thomas*,
 ‘ have, hold and enjoye all the same Ho-
 ‘ nours, Castles, Manoirs, Londes, Te-
 ‘ nementes, Rentes, Annuitees, in, and
 ‘ of like Estate and Condition as his seid
 ‘ Fader had theym the seid 29th day,
 ‘ and passed from the Kyng to eny Per-
 ‘ sone or Persones under eny of his Seales,
 ‘ in Fee-simple, Fee-taille, terme of Lyfe
 ‘ or term of Yeres. Also, that all Yestes,
 ‘ Grauntes, Releses and Demyfes made
 ‘ by the Kyng the seid fourth day of
 ‘ *Marche*, or eny tyme sith, to eny Per-
 ‘ sone or Persones, of, or in eny of the
 ‘ Premisses, in Fee-simple, Fee-taille, term
 ‘ of Lyfe or terme of Yeres, or other-
 ‘ wyse, under eny of his Seales, be from
 ‘ the seid Fest of Seynt *Thomas* voide and
 ‘ of

‘of noo force nor effecte. And also by
 ‘the seid Advyse, Assent and Auctorite,
 ‘it is ordeyned and stablished, That such
 ‘lawfull Right, Title, Clayme and In-
 ‘terest be saved, and had to every Per-
 ‘sone or Persones, and every theyre
 ‘Heyres other than such Persones now
 ‘beyng atteynted of Treason, and theyr
 ‘Heyres clayming in by theym, or eny
 ‘of theym so atteynte, might or shuld
 ‘have had in eny of the Premisses yf
 ‘this Acte had not be made otherwyse
 ‘then by the Kyngs Graunte, or eny
 ‘his Letters Patentes, or Auctorite of
 ‘Parlement.

What follows being join’d with this
 Act, and showing the Wisdom and Fru-
 gality of those Times, and the Methods
 they took to put the King out of Debr,
 we thought it would not be foreign to
 our present Matter to insert it.

‘Also in this Parlement begun and *Ibid.N. 7.*
 ‘holden, &c. — Grete Multitude of
 ‘Assignments, as well by Letters Pa-
 ‘tenttes of the Kyng, Tailles, Deben-
 ‘tours, and other Bills levyed and rered
 ‘at the Receipte of his Exchequer or o-
 ‘therwyse, as by Billes undre the Seale
 ‘or Seals beyng in the same Receite or-
 ‘deyned for Assignations to be made
 ‘upon the Possessions of the Duchie of

Q

‘Lan-

‘*Lancastre, Wales, Duchie of Torke, and*
 ‘*Erl dome of Marche, as well for the*
 ‘*Kyngs Household and Wardrobe, and*
 ‘*for his Werkes as for many and divers*
 ‘*Somes of Money in tymes of divers*
 ‘*Persones, late Tresorers of England,*
 ‘*sith the first day of the Kyngs Reigne,*
 ‘*dyversly have be made grete part of*
 ‘*the which Assignations by Bill and o-*
 ‘*therwise inordenately, and without*
 ‘*grounde of Duete, have be had and*
 ‘*made as it is understood: It is there-*
 ‘*fore ordeyned by thadvyse and Assent*
 ‘*of the Lordes Spirituels and Temporels,*
 ‘*and the Commons in the same Parle-*
 ‘*lement, the seid sixth day of October, in*
 ‘*the seid Thirteenth Yere assembled,*
 ‘*and by Auctorite of the same, That*
 ‘*before the Fifteenth of Ester next now*
 ‘*to come, open Proclamation be made*
 ‘*within every Shire of the Reame, in*
 ‘*every Markette-Towne within the same*
 ‘*Shire, by the Shiref, or Shirefs of the*
 ‘*same Shire or Shires for the tyme be-*
 ‘*yng: And that every Shiref duely*
 ‘*make the Proclamation in that partie,*
 ‘*and the Writ thereof serve and retorne*
 ‘*at the day of the retorne of the same,*
 ‘*upon the Paine to forsaite at every de-*
 ‘*faute to the Kyngone Hundred Pounds:*
 ‘*That every persone or persones having*
 ‘*eny*

'eny Patente, Taille or Bille made, rered
 'or assigned before the first day of *De-*
 '*cembre*, in the Tenth Yere of his seid
 'Reigne, for eny Some or Somes of
 'Money conteyned or specefied in eny
 'of the same appere before the Barons
 'of the Kyngs Exchequer at *Westminster*,
 'in his proper Person, or by his Atour-
 'ny or Servaunt, having sufficient Aucto-
 'rite of him afore the fifteeneth of *Ester*,
 'which shall be in the Yere of our
 'Lord, 1475, there to shewe and prove
 'that the Somes of Money conteyned
 'and specified in his or their Patent,
 'Taille or Bille, was by, or upon eny
 'true grounde or cause due by the King
 'at the tyme of the making, rearyng,
 'or assignment of the seid Patent, Taille
 'or Bille, made, reared or assigned to
 'the same persone or persones named
 'in the same Patent, Taille or Bille for
 'the Kings House, for the Kings Cham-
 'bre, his Wardrobe, his Werks or Mo-
 'ney to him lent for the Victualler of
 '*Calles*, or eny of theym, or for eny
 'other Cause, that the same Barons up-
 'on due prove theire Discretions had
 'and made of eny Some and Somes in
 'such Taille or Bille to be due by the
 'Kyng, and at the tyme of the seid

‘prove made not paid, have Auctorite
‘and Power by this Acte, to certifye
‘into the Receipte of the Kyngs Exche-
‘quer of the Some and Somes so proved
‘due, and of the Name or Names of the
‘Persone or Persones to whom the seid
‘Some or Somes so shall be proved to
‘be due: And thereupon by this Acte the
‘Tresorer and Chamberleyens of the
‘Kyngs Receipt for the tyme beyng, dy-
‘vydyng severally the seid Debte into
‘twenty partes by even Portions, with-
‘out delay or denyer at the Kyngs pro-
‘per Cost and Charge here, there make
‘and delivre twenty Tailles or Billes ac-
‘cording, payable yerely iche after other
‘within twenty Yeres then next ensue-
‘yng, to have and retheyne in such Place
‘or Places, and under such Forme as the
‘Tresorer of *Englond* for the tyme being,
‘with the reasonable agreement of the
‘seid Persone or Persones to whom such
‘duetee shall be proved due, shall be
‘thought reasonable. And as for such
‘Duetees as shall be found due to eny
‘of the seid Persones afore the seid Ba-
‘rons, by reason of eny such Letters Pa-
‘tententes that the seid Barons shall certi-
‘fie such duetees as they shall fynde due
‘by eny such Letters Patententes made un-
‘der

'der the Kyngs grete Seale, to the
 'Chaunceller of *Englond* for the tyme be-
 'yng: And such Duetees as shall be
 'founded due to eny Person before the
 'seid Barons, by reason of eny of the
 'Kyngs Letters Patentes made undre the
 'Seal of his Duchie of *Lancastre*, to the
 'Chaunceller of the same Duchie for
 'the tyme beyng: And then that every
 'of the seid Chauncellers for such Somes
 'so to theym certified, do make at the
 'Kyngs Cost and Charge to such Per-
 'sones as such Duetees shall be found
 'due to, Letters Patentes, to receyve,
 'have or retheyne such Somes of Money
 'as shall be to theym certyfyed, and to
 'be had, received or retheyned Yerely
 'within Twenty Yeres next ensueyng,
 'the date of the seid Letters Patentes
 'rately as is aforeseid in such place or
 'places, ground or grounds as the same
 'Persones afore this Acte were assigned
 'or lymytted: And that the seid Tailles,
 'Billes, and Letters Patentes severally
 'to be rered and made be and stond
 'good and effectuel in Law, and pre-
 'ferred in Payment before eny other
 'Payment by Patent, Taille or Bille, or
 'eny other Assignment or Cause rered,
 'made or had after the rering of the

'seid Tailles: And that all the seid Let-
 'ters Patentes, Tailles, Billes, and every
 'of theym not shewed afore the seid
 'Fifteeneth before the seid Barons be
 'voide, and the Kyng therefore acquite
 'and discharged. And also that all Let-
 'tres Patentes, Tailles, Bills, and every
 'of theym shewed afore the seid Ba-
 'rons, and before theym proved not to
 'be made, reared or assigned upon true
 'Grounde or Cause of Duetee in like-
 'wyse to be voide, and the Kyng ther-
 'of quite and discharged for ever-
 'more.

Then follow Sixteen Exceptions or Sa-
 vings as to private Interests, which the
 House of Commons make, and they are
 much of the same Nature as those in the
 other Acts.

Resp. 'As touching this Bill of Re-
 'sumption, and the other Acte above
 'specified concerninge Assignations made
 'by the Kynge, and the Fourme of Pay-
 'ments of his Dettes, and all thynges
 'comprised in either of the seid Billes
 'and Acte, and the other Matiers and
 'Articles above specified, the Kyngs
 'Highnesse hath well conceyved and un-
 'derstonde the same, and by thadvyse
 'and assent of the Lordes Spirituells and
 'Lordes

‘ Lordes Temporells; and the Comons
‘ beyng in this present Parlement, and
‘ by the Auctorite of the same theym
‘ hath accepted and agreed. So also that
‘ such Provisions and Exceptions as by
‘ his Highness be, or shall be made and
‘ agreed, and duryng the tyme of this
‘ present Parlement in Writing, to or
‘ upon the Premisses be good and effe-
‘ ctuel the seide Bille or Acte, or eny
‘ other the Premisses, notwithstanding
‘ for the Equyte and Right wis reward
‘ that the King intendeth to do to eve-
‘ ry of his Subgietts for his Merites,
‘ which shall be to the Pleaser of God,
‘ and Honour of his Highnesse, and the
‘ Weel of all the Lond and People.

Then follow a great Number of Ex-
ceptions brought in by the King, but
they do not seem of that Nature, as if
it were design’d they should defeat the
Intentions of the House of Commons,
as the Savings in the first Act of Resum-
ption pass’d in this Reign plainly did:
So that at last both King and People
appear to be in Earnest in this Mat-
ter.

But all the Acts of Resumption hi-
therto pass’d, were not thought suffi-
cient; so that, tho’ we cannot find *Richard*

the Third, who succeeded *Edward*, was any great Giver, yet the Parliament in the Reign of *Hen. 7.* who was Successor to *Richard*, believ'd another Resumption necessary.

Rot. Parl.

1 Hen. 7.

p. 2.

Anno 1. Hen. 7. 'Prayen the Com-
'mons in this present Parliament assem-
'bled, That where the most noble and
'blessed Prince of most holy Memory,
'King *Henry* the 6th your Uncle, whom
'God rest, and other your noble Pro-
'genitours, have kept as worshipfull,
'noble and honorable Estate of their
'Household in this Lond of the Reve-
'nues thereof, as have done eny King
'or Prince in *Englond* christenned to the
'Ease and Rest of the People of the
'same, without agrudging or lack of
'Payment therfore, such as caused all o-
'ther Londs to have this your said Lond
'in as worshipfull Renown, and as great
'Dread as any other Lond christenned,
'and for that the Revenues of your said
'Lond to your Highnesse now belong-
'ing mowe not suffice to keep and su-
'steine your honourable Household, nor
'your other ordinarie Charges which
'must be kept and born worshipfully
'and honourably, as it accordeth to the
'Honour of your Estate and your seid
'Realm

' Realm, by which your Adversaries and
 ' Enemies shall fall into the dread wher-
 ' in heretofore they have byn. That it
 ' would please your Highnesse, by thad-
 ' vyse and assent of the Lords Spirituall
 ' and Temporall, in this present Parlia-
 ' ment assembled, and by Auctoritie of the
 ' same, for the Conservation and Suporta-
 ' tion of your said Estate, which first to
 ' Gods Pleasure, secondarie for your own
 ' Suertie, Honour and Weal, and for the
 ' third, to the universal Weal, Ease, Rest
 ' and Surtie of this Land, the which you
 ' owe to preferre afore the Favour of
 ' any Person, or any Place, or other Thing
 ' earthly; to take, seise, have, reteyne
 ' and resume into your Hands and Pos-
 ' session, from the 21st Day of *August*
 ' last passed, all such Castles, Lordships,
 ' Honours, Manours, Londs, Tene-
 ' ments, Rents, Services, Fee-fermes,
 ' Knights Fees, Advowsons, Annuitees,
 ' Yefts of Offices to yeve at your Plea-
 ' sure, Grantes of keeping Ideots, Faires,
 ' Markets, Hundreds, Turnes, Views of
 ' Frankpledge, Leets, Yssues, Fines, A-
 ' merciaments, Libertees, Fraunchises,
 ' Prorogatives, Escheates, Customes,
 ' Reversions, Remainders, and all other
 ' Hereditaments, with their Appurten-
 ' ances

'ances whatsoever they be in *England*,
 ' *Wales*, *Ireland*, of *Caleys*, or the *Marches*
 ' thereof, as the said most christen and
 ' blessed Prince, King *Henry* the 6th,
 ' your Unkle had of Estate of Enheri-
 ' tance, or any other to his Use, had the
 ' 2d Day of *October*, the 34th Year of
 ' his Reigne, or any tyme sith, as par-
 ' cell, or in the Right and Title of the
 ' Crown of *England*, of the Duchie of
 ' *Lancastre*, the Duchie of *Cornwall*, the
 ' Principallitie of *Wales*, and the Earld-
 ' dom of *Chester*. Saving to every of
 ' your liege People such Right, Title
 ' and Interesse, as they, or any of them
 ' should have, or might have had in, or
 ' of the Premises, or any Parcel thereof,
 ' other than by means of Lettres Pa-
 ' tentes of any King of this your Realm,
 ' or by Act of Parliament made, after the
 ' said 2d Day. And over this be it en-
 ' acted, ordeyned and stablished by the
 ' same Auctoritie, that all Yests, Graunts,
 ' Leases, Releases, Confirmations and
 ' Discharges of any Castels, Honours,
 ' Lordshippes, Manours, Londs, Tene-
 ' ments, Rents, Services, Reversions,
 ' Annuities, Fee-fermes, Offices, Liber-
 ' ties, Fraunchises, or other Heredita-
 ' ments, and all Appropriations, Corpo-
 ' rations,

' rations, Collations, Assignments, and
 ' Graunts of any Debt, or Summes of
 ' Mony, by Letters Patentes, or Tailles as
 ' to any Payment only, whereof the Days
 ' of Payment, have, or shall grow after
 ' the 21st Day of *August* last passed, made
 ' by *Richard* the 3d, late in dede and not
 ' of right, King of *England*, any tyme du-
 ' ring his usurped Reigne, under his great
 ' Seale of the Countie Palatine of *Chester*,
 ' or by Tailles to any Persone or Persones,
 ' or Body corporate; and also all Yests
 ' and Grauntes by Authoritie of Parlia-
 ' ment or otherwyse, made by *Edward*
 ' the 4th, late King of *England*, or by *Ed-*
 ' *ward* his Son, late called King *Edward*
 ' the 5th, to any Persone or Persones, be-
 ' fro the said 21st Day of *August* adnul-
 ' led, void, and of no force ne effecte. And
 ' all Graunts made by the said *Edward*
 ' the 4th, late King of, or touching the
 ' Earldome of *Devonshire*, or any Parcell
 ' thereof, be from the same 21st Day al-
 ' so void, and of no Force ne Effecte.
 Then comes,

A Saving for some special Grants made
 by *Edward* the 4th, and King *Richard*,
 as to Lands of the County Palatine of
Lancaster, *Chester*, or of the Earldom
 of *March*. A Saving to Abbots, Abbes-
 ' ses,

ses, Priories in *England* or *Wales*, as to the Restitution of any of their Temporalities. A Saving for License to incorporate or found any Chantry, &c. Then follows.

‘ And over this be it enacted, ordeyn-
 ‘ ed, and stablished by the sayd Aucto-
 ‘ rity, that all Grauntes and Letters Pa-
 ‘ tentes of any Office made by our
 ‘ sayd Sovereign Lord, afore the 20th
 ‘ Day of *January*, the 1st Year of our
 ‘ Reign, to any Persone or Persons, be from
 ‘ hence forth void ne of no effecte.

A Saving for the great Officers and Others, as to their Employments and Wages.

A Saving for the Patents of the Peers, and their Creation-Money. And to Corporations, &c.

Then follow Ten Exceptions or Savings, made by the House of Commons to the said Bill, and such of them as are either general or particular, are much of the like Nature with the Savings in other Acts.

Resp. ‘ As touching this Bill of Re-
 ‘ sumption, the King’s Highnesse hath
 ‘ well conceived and understood the same
 ‘ hath therefore by thadvise and assent
 ‘ of the Lords Spirituels and Temporels
 ‘ and

‘ and Commons in this present Parlia-
 ‘ ment, and by thauſtoritie of the ſame
 ‘ it accepted and agreed. So alway,
 ‘ that ſuch Proviſions and Exceptions as
 ‘ by his Highneſs, be, and ſhall be made
 ‘ and agreed, and during the Time of
 ‘ this preſent Parliament, put in Writing,
 ‘ to, or upon the Premiſſes be good and
 ‘ effectual. The ſaid Bill or Act, or
 ‘ any other the Premiſſes notwithſtand-
 ‘ ing. For the Equitie and rightwiſe
 ‘ Reward that the King entendeth to
 ‘ doe to every of his Subgiетts, for his
 ‘ Merits, which ſhall be to the Pleaſure
 ‘ of God, and Honour of his Highneſs,
 ‘ and the Weale of all his Lond and Peo-
 ‘ ple.

Then follow many particular Excep-
 tions, more in Number than in any other
 of the Acts, but under this frugal King
 we may ſuppoſe they are not ſuch as
 would make the Act ineffectual.

Besides, in this Reign there paſſ’d
 ſeveral particular Acts of Reſumption,
 for which we ſhall refer the Reader to
 the Records.

Anno 33. Hen. 7. An Act of Reſum-
 ption of the Offices or Places of Recei-
 vers, Auditors, Cuſtomers, Collectors of
 Cuſtoms, Subſidies, Comptrollers, Search-
 ers,

Rot. Parl.
3 Hen. 7.
N. 35.

ers, Surveyors and Places of other Officers, Accomptants to the King.

Rot. Parl.
11 Hen. 7.
N. 2.

Anno 11. Hen. 7. An Act of Resumption of divers Castles, Mannors, Lands and Tenements, which were formerly given by K. *Edward* the Third, and K. *Richard* the Second, to *Edmond de Langley*, Duke of *York*.

Rot. ibid.
N. 4.

In the same Year an Act for making void all Grants made of the Mannor of *Woodstock*.

Ibid. N. 6.

In the same Year an Act for making void divers Leafes and Offices within the Principality of *Wales*, Dutchy of *Cornwall*, and Earldom of *Chester*.

Anno 6. Hen. 8. There pass'd another Act of Resumption, which related only to resuming needless Offices and Pensions.

Rot. Parl.
6 Hen. 8.
N. 8.

' Prayen, and in most humble wise,
' beseeching Your Heyghness, Your humble Subjects the Commons in this present Parlement, by your high Commandment assembled, That where the most Christen Princes, King *Henry* the Sixth, King *Edward* the Fourth, and the most famous and renowned Prince of most worthie Memorie, King *Henry* the Seventh your Fader, whom God pardon, and other your noble Progenitours,

' nitours, have kept as honourable A-
 ' states, as well in their own Persons as
 ' in their Housholds, and other their
 ' Charges as well in defence of this Your
 ' Realm, as in defence of the Towns of
 ' *Caleys, Guisnes, Hammes, Berwick*, and
 ' the Marches of the same, and other
 ' Charges of this Your Realm of the
 ' onely Revenues thereof, as hath any
 ' King or Christen Prince, in any oder
 ' Christen Region, not onely to the
 ' great Honour of the same, but also
 ' to the great Ease, Rest and Quietnes of
 ' the People of the same, which caused
 ' all other Lands and Realms to have
 ' this your Realm in great Renowne,
 ' Drede and Fear, and your said Proge-
 ' nitours to be dradde of all outward
 ' Nations.

' And so it is, most drade Sovereign
 ' Lord, that the Revenues of your
 ' Lands, and other Things late being in
 ' your Hands and Possessions be so great
 ' mynysht, by reason of the manyfold
 ' Yifts, Graunts and Releases passed from
 ' your Highness since the begynnyng of
 ' your most noble Reigne hitherto,
 ' that the Residue therof now remaining
 ' in your Hands and Possession in no
 ' wyie suffiseth, nor can suffice to bear
 ' and

‘ and susteyn your great Charges dayly
‘ increasen, as well by reason of your
‘ Wars now being in hand against your
‘ antient Enemies the *Scots*, as of your
‘ great Charges in keeping and defence
‘ of your City of *Tournay*, late by youre
‘ Grace victoriously Conquered, and
‘ which of very necessity must be main-
‘ tained and born as accordeth to your
‘ Princely Astate and Honour of your
‘ Highnesse, and suerte of your humble
‘ Subjects, and of youre Realme.

‘ In Consideration whereof yt may
‘ please your Highnesse, by thadvise of
‘ the Lords Spiritual and Temporal, in
‘ this present Parliament assembled, and
‘ by Auththority of the same, for the
‘ Conservation and Maintaining of youre
‘ most Royal Astate, and oder Charges
‘ above rehearsed, to the Pleasure of
‘ God, and for youre own Honour and
‘ Suerte; and also for the universal Weal,
‘ Ease, Rest and Suerte of this youre
‘ Realme and Land, and for the my-
‘ nyshyng and lessening of the Charges
‘ and Burden of youre said poor Com-
‘ mons and Subjects of the same, which
‘ your Grace oweth to preferr and spe-
‘ cially regarde before the Favour of any
‘ particular Persons, or earthly Things,
‘ to

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‘ to take, seise, resume and have into
‘ your Hands, from the Feast of *Easter*
‘ next coming, all and singular those
‘ and such Annuitees Graunted to any
‘ Person or Persones by your High-
‘ ness, by your Letters Patents, not for
‘ exercising of any Office which be not
‘ ne at any time of the said Letters Pa-
‘ tents made, were Rent-Service or
‘ Rent-Charge of any Estate of Enhe-
‘ ritaunce in your Highnesse, and that
‘ all the sayd Letters Patents of all the
‘ same Annuitees, and every of them
‘ from the sayd Feast of *Ester* onely,
‘ touching the said Graunt of the same
‘ Annuitees be utterly void and of no
‘ effecte.

‘ And also, that all Letters Patents,
‘ Grants and Bills signed by your High-
‘ nesse, made to any Person or Per-
‘ sones, of any Office or Offices, or
‘ Rowme to be had after the Deth of
‘ any Patenteth the same Patentee be-
‘ ing yet alive, and in Possession by
‘ Vertue of his Patent, or of the next
‘ Ayoydance of any Avowfons of
‘ Churches, Benefices, Chauntreys, Ho-
‘ spitals, Prebends, or of any Spiritual
‘ Benefices not executed, be from hence-
‘ forth utterly void and of none effecte.

R

Then

Then follow some other Regulations relating to Offices, Places and Pensions: After which there is a Saving for the Peers, as to their Creation-Money: And then for *George*, Earl of *Shrewsbury*, of, and for the Stewardship of *Tutbury*, Parcel of the Dutchy of *Lancaster*, &c. sign'd with the King's own Hand. Then follow Savings for several great Officers, and for the Queen.

And then comes a Provision for Offices in the King's Lands, Castles and Mannors, &c. then follow some particular Savings, and those not many.

Resp. Le Roy le Veult.

So that this Prince, as Arbitrary as he was, gave way to this Resumption made in Parliament.

The Writer of these Papers (tho' it has prov'd a Matter of great Labour) has thought it best to set down the very Words of all these Acts of Resumption, omitting the Savings, which in each Bill are very numerous; but to give the Reader Light into the Nature of these Exceptions, he did extract all the Savings that were brought into the first compleat Act, that pass'd upon this Subject, which was 28 *Hen. 6.*
And

And by those the Reader may judge of the Rest ; for they which follow'd were much of the like Nature.

'Tis true, his Work will thereby seem tedious, but curious Persons may, perhaps, receive Satisfaction, to see the Sence of their Fore-fathers upon this Point. And we take it, that the Wisdom and Gravity with which these Acts are penn'd, and the Exactness and Care which the House of Commons from time to time shew'd in this whole Transaction, will prove no unpleasant peice of History.

He has done impartially, and taken notice of what may make against, as well as for his present Argument, that the Reader may have the whole before him. And in this Transcript he has follow'd the best Copies of Records he could procure, such as have been sign'd and examin'd at the *Tower*, in which he believes there is no material Error, and that they are according to the Original Records, except in Orthography, or spelling Words, wherein all Transcribers of Records mistake and differ with one another: But as to the *French* Records, both in this and the following Section, the Author has ex-

amin'd them all at the *Tower* by the Rolls.

As to what was done upon Resumptions before the Reign of *Edward* the Second, he has therein follow'd the best Ancient Writers of our English History, whose Authority may be rely'd upon, because most of such as he has cited, wrote of Things done near, or in their own Times.

But for their Ease, who do not care to read much, and to help the Memory of others, he will recapitulate in a few Words the several Resumptions; afterwards he will make some few Observations upon the Whole, and examine what Effect these Acts of Resumption produc'd, as to enlarging the Crown-Revenue, and then conclude this long Section.

1st, A Resumption was made by *William Rufus*.

2^{dly}, A Resumption by *Henry* the First.

3^{dly}, A Resumption agreed to by King *Stephen*.

4^{thly}, A Resumption actually made by *Henry* the Second.

5^{thly}, A Resumption by *Richard* the First.

6^{thly},

6^{thly}, A Resumption by *Edward* the Second.

7^{thly}, Resumptions made by *Richard* the Second.

8^{thly}, Resumptions made by *Henry* the Fourth, particularly of the Lands belonging to *Windsor-Castle*.

9^{thly}, Three Resumptions made in the Reign of *Henry* the Sixth.

10^{thly}, Four Resumptions made in the Reign of *Edward* the Fourth.

11^{thly}, One general Act, and other particular Acts of Resumption in the Reign of *Henry* the Seventh.

12^{thly}, An Act of Resumption of divers Offices, Annuities, and other Things, in the Reign of *Henry* the Eighth.

Upon the whole Matter these Observations may be made.

1st, From the forecited Records, it appears, that the People of *England* have in no Age thought it reasonable, that the Crown-Revenue should be alienated.

2^{dly}, That not only under the Reigns of weak and unfortunate Princes, but when there has been upon the Throne martial and active Kings,

this Nation has all along insisted upon Resumptions.

3dly, It appears from the said Records, that very few of the said Resumptions did look farther backward than the Reign of the present Prince.

4thly, That the People have been most provoked, when the Crown-Lands have been given away to Foreigners.

5thly, That the House of Commons in their Bills of Resumption made very few Savings, as to the Interests of Private Men.

6thly, That it appears from the said Records, that very small Things were look'd into, and that in the Three Resumptions made by *Henry* the Sixth, it does not appear there were Savings for any large Grant.

7thly, That in some of their Bills the House of Commons insisted upon Penalties, to be inflicted upon such as should procure Grants of the Crown-Revenue.

8thly, That by the Profusion of some Princes, the Crown-Revenue was reduc'd from Fifty Six Thousand Nine Hundred Sixty Six Pounds, to Five Thousand Pounds *per Annum*.

9thly, That *Edward* the Fourth invited his Parliament, in his Speech from the

the Throne *Anno 7.* to make an Act of Resumption.

10thly, That in the many Acts made to this Purpose, every following Act was penn'd with stricter Clauses, and to reach more than the former did.

11thly, That the Act made the 28 *H. 6.* provides, that the Lands so resumed should be for the Expences of the King's Household.

12thly, That some of these Resumptions, as that of 3 and 4 of *Edw. 4.* extended not only to the Crown-Revenue, but also to what was the King's own Patrimonially, namely, to his Dutchy of *York*, and Earldom of *March*. And that *Anno 7.* all was resumed, which belong'd to *Richard*, Duke of *York*, the King's Father, the 30th of *December*, *Anno 39. Hen. 6.* The same 13 *Edw. 4.*

13thly, That in these Acts of Resumption, the Sallaries and Wages are taken away of all superfluous Offices, which requir'd no Attendance and Execution, and which were newly erected.

14thly, That some of these Acts establish, that the Lands so resumed should continue in the Crown.

15thly, That it will appear to any who will look into the voluminous Savings and Exceptions which were brought in

by the King to the said Acts; that many of the Grants in those Ages made for Lands or Pensions, were only for Term of Life or Term of Years, and to return to the Crown.

16thly, That in many of the Savings, as to the Interest of private Men, where there is something left, there is something resumed.

17thly, That most of these Acts not only resume the Crown-Lands, but revoke all unnecessary Pensions.

18thly, That the 33 *Henry* 6. resumes the Land pass'd away from the Crown, even by Authority of Parliament.

19thly, That in all these Acts except 28 *Henry* 6. the Lands in *Ireland* are comprehended.

20thly, As every subsequent Act was more strictly penn'd than that which went before, so the Exceptions and Savings brought in by *Edward* the Fourth (*Henry* the Sixth were at last few and frugal) became every Time more moderate than the other; so that in the End, both Prince and Parliament agreed, that a Resumption was necessary, and would be greatly beneficial to the Kingdom.

But

But now as to the Effects which these Acts of Resumption produc'd ; it appears manifestly, that they were put in Execution, and that the Savings and Exceptions were not such, as to defeat the Designs of the Parliament, which some People pretend to suggest ; and 'tis likewise evident, that the Crown-Revenue was thereby very much increased.

For the Records plainly show, that the whole Income of the Crown, *Annis* 28 and 29. *Hen.* 6. was reduc'd to Five Thousand Pounds *per Annum*. *Edward* the Fourth who succeeded, was an expensive Prince, *Richard* the Third his Brother a frugal Man indeed, but his Reign was too short to make any great Improvements in his Revenue ; and yet we find *Henry* the Seventh his Successor, Master of more ready Money than ever any King of *England* was either before, or since his Time.

This Prince had not many Aids from his People ; * *Sir Robert Cotton* enumerates them ; But one Aid upon Land, *viz.* *Anno* 19. Out of their Goods and Lands a Tenth ; out of their Goods only thrice a Tenth ; Five Fifteens, besides a Tenth and Fifteenth, which amounted to 120000*l.* Three Subsidies,
of

* Answer to the Reasons for Foreign Wars. p. 15

of which the last came to but 36000 *l.* One Benevolence. And of the Clergy twice the Tenth, and 25000 *l.* by way of Subsidy; and yet Cotton says (for which he cites a good * Authority) *That he left behind him in Bullion, Four Millions and a Half, besides his Plate and rich Attire of House.* My Lord † Bacon, indeed, brings the Sum lower, and says it was near Eighteen Hundred Thousand Pounds Sterling. But to reckon according to either of these Authors, the Sum was prodigious for those Times.

* *Lib. Acquis. int. Regem & Dudley, R. C.*
† *Life of Hen. 7.*
p. 230.

* *Answer to the Reasons, &c.* p. 52.

'Tis true, he had very extraordinary Ways of scraping up Money, such as Sale of Offices, Redemption of Penalties, dispensing with the Laws, and the like; but all these together produc'd only * 120000 *l. per Annum.* Besides, *Empson* and *Dudley*, the Two Ministers of his Extortions, did not commit their Rapines till towards the latter End of his Reign.

From whence we may reasonably conclude, that the Principal Foundation of all this Wealth (join'd with his own Parsimony) must have been the Crown-Revenue, and that the former Acts of Resumption with that which was made in his own Reign (which

no doubt this frugal Prince took Care to see put in Execution) had reduced it to it's former State and Condition.

For had no more been left than 5000*l.* *per Annum*, there would have been no matter for his Oeconomy to work upon; so that we may very well infer, that the fore-mentioned Resumptions had reliev'd the King's Affairs, and brought the Crown-Revenue once more into a flourishing Condition.

But *Henry* the Eighth not only spent the immense Sum left him by his Father, but likewise a great Part of that Revenue which came to the Crown by seizing the Abby-Lands, which amounted to * 131607*l.* 6*s.* 4*d.* *per Ann.* * Hist. of the Re-form. Part 2. p. 268. However, he who considers the History of those Times, and how much this Prince made himself the Arbiter of *Europe*, will find his Money was not so unprofitably spent as is vulgarly imagin'd. Besides, † great Sums were laid out on building and fortifying many Ports in the Channel, and other Parts of *England*, which were rais'd by the Sale of Abby-Lands. † *Ibid.* p. 269.

But notwithstanding the expensive Temper of this Prince, he left his Successors very sufficient and substantial Land-

* *Cleopatra*, F. 6.
Fol. 51.

Landlords in *England*: For we found in Sir Robert Cotton's Library, in a * Book, part of which is of that learned Antiquary's own Hand writing, and to which King *James* the First has set his Name, *James R.* which Book contains very many curious Things: That the Revenue of the 12th of *Elizabeth*, besides the Wards and Dutchy of *Lancaster* amounted to 188197 *l.* 4 *s.* per Annum.

The Writer of these Papers does not remember to have met with any Thing relating to Resumptions in the Reign of Queen *Elizabeth*; but the Reason why nothing of that Nature should be done in her Time, is very obvious; her Father had alienated from the Crown a great Part of the Abby-Lands, or exchange'd 'em for other Lands (as a Multitude of Acts pass'd to that Purpose in his Reign witness:) And it was a strong Security to the Protestant Religion and Interest, that those Estates should remain in the Hands and Possessions of private Persons.

A Resumption was thought on in the Reign of King *James* the First, of which the forementioned Tracts of Sir Robert Cotton are a sufficient Evidence: Besides, in the † Annals of those

† Annals
of King
Jam. p. 10.

those Times, 'tis said to have been debated in Council.

But in the Reign of King *Charles* the Second, a Resumption was again agitated, for we find in the Journals of the House of Commons, *Martis 22 Die Maii, 1660.* 'A Bill for making void of Grants made since *May 1642*, of Titles of Honour, Mannors, Lands, Tenements and Hereditaments, pass'd under several great Seals by the late King *Charles*, or the King's Majesty that now is, or any other great Seal, was this Day read the second Time, and upon the Question, committed, &c.

And as a Mark that these Alienations of the Crown-Revenue were always distasteful to the People of *England*; and to show that the House of Commons desir'd, that a new Prince should betimes know the Nation's Sence in this Matter, we shall produce the following Resolves of that Parliament which restor'd King *Charles*.

Martis 4 Die Sept. 1660. 'Resolv'd, That this House doth agree with the Committee, That a Bill be brought in for Settling the Lands of the Crown, so as that no Grant of the Inheritance shall be good in Law, nor any Lease for more than Three Lives, or One
and

‘and Thirty Years, where a Third Part
 ‘of the true yearly Value is reserv’d
 ‘for a Rent, as it shall appear upon a
 ‘Return of a Survey, which that Act
 ‘is to take Order for, to be speedily
 ‘had and taken, and that Mr. Solicitor
 ‘General, and Mr. Serjeant *Glyn*, do
 ‘prepare and bring in a Bill accord-
 ‘ingly.

‘*Resolv’d*, That this House doth a-
 ‘gree with the Committee, That the
 ‘King’s Majesty be humbly desir’d from
 ‘this House to forbear to make any
 ‘Leases of the Lands, or other Grants
 ‘of the Revenue of the Crown, till the
 ‘said last mention’d Act be pass’d.

And the Reason why these good Re-
 solutions took no Effect, is not at all dif-
 ficult to discover. ’Tis to be fear’d that
 too many (we mean without Doors) in
 those corrupt Times, not only were con-
 cern’d in the Grant already made, but
 likewise did design, as it prov’d after-
 wards, to get for themselves what re-
 main’d of the King’s Lands.

And now for a full Answer to those
 who pretend Resumptions had never
 any Effect, we shall produce a State of
 the Crown-Revenue, as it lay before the
 House of Commons the same Year.

‘*Martie*

Of Resumptions.

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‘ *Martis die 4. Sept. 1660.* ‘ *Sir He-
neage Finch* reports from the Com-
mittee, That according to the best In-
formation the Committee could receive,
and by Estimate, the Revenue amount-
ed to 819398*l. per Annum, viz.*

‘ By Customs. —————	400000.
‘ By Composition for the Court ‘ of Wards. —————	} 100000.
‘ The Revenue of Farms and ‘ Rents. —————	} 263598.
‘ The Office of Postage. ———	21500.
‘ The Proceed of <i>Dean Forest.</i> —	4000.
‘ The Imposition on the Sea- ‘ Coal exported. —————	} 8000.
‘ Wine-Licence, and other Ad- ‘ ditions. —————	} 22300.

—————
Total 819398.

From which Accompt it appears, that notwithstanding the Profusion of *Henry* the Eighth, and the irregular Bounty of *K. James* the 1st. to his *Scots*; the Land-Revenue of the Crown, which *Anno 28. Hen. 6.* when the Parliament made the first formal and regular Resumption, was reduc’d to 5000*l. per Annum*, came afterwards (with the Forest of *Dean*) to amount to 267598*l. per Annum.*

Our

Our Princes have seldom been known to purchase Lands. The Abby-Lands could not make this great Increase; besides, 'tis notorious, *K. Henry* the Eighth either sold or gave away a great Part of the Church-Lands; From all which it must follow by undeniable Consequence, that the fore-mention'd Acts of Resumption did restore the Crown-Revenue, consisting in Rents and Farms, to the State and Condition, wherein it was in the Beginning of King *Charles* the Second's Reign.

And Lastly, For their Satisfaction, who pretend Resumptions are against the Fundamentals of our *English* Law, we shall produce the Opinion of a Venerable and Learned Lawyer in this Point; 'tis taken out of a Book, written by Sir *John Fortescue*, Chief Justice of the *Common-Pleas*, in the Reign of *Henry* the Sixth. The Manuscript is in the *Bodleian* Library at *Oxford*; 'tis intituled, Sir *John Fortescue's* Treatise *De Dominio Regali*, and *De Dominio Regali & Politico*. But let the Author himself speak with his Old *English* Heart, as well as in his Old *English* Words.

Chap. xi.

Hereafter ys schewyd what of the Kyng's
Lyvelood geuen away, may best be takyn
ageyne.

— ‘ The Kyng, our Souveraign Bib. Bodl. Digb. 145.
‘ Lord, had by times sethen he Reynd
‘ upon us Lyvelood, in Lordshippes,
‘ Londs, Tenements and Rents, nere
‘ hand to the Value of the 5th Part of
‘ his Realme, above the Possessions of
‘ the Chirche; by whiche Lyvelood if
‘ it had abydyn still in his Hands, he
‘ had been more mighty of good Re-
‘ venues, than any of the sayd Two
‘ Kyngs [*sc.* the Kyng of France, or the
‘ Sowdan of Babylon] or any Kyng that
‘ now reyneth upon Christen Men. But
‘ this was not possible to have done, for
‘ to sum parte thereof the Heyres of
‘ them that sum time owyd it be re-
‘ stored, sum by reason of Talys, sum
‘ by reason of other Tytles, which the
‘ Kyng hath considered, and thought
‘ them good and reasonable. And sum
‘ of the same Lyvelood hys good Grace
‘ hath gyven to such as hath servyd
‘ him so notably, that as their Renown
‘ will be eternal, so it besetteth the Kyngs
‘ Magnificence, to make their Rewards
‘ everlasting in their Heyres to his Ho-
‘ nour

‘nour, and their perpetual Memory.
‘And also the Kyng hath gyven parte
‘of Lyvelood to his most honourable
‘Brethren, which not onley have servid
‘hym in the manner aforesaid, but byn
‘also so nygh in Blode to his Highnesse,
‘that it befet not his Magnificence to
‘have done otherwise. Neverthelesse
‘some Men have done hym Service, for
‘which it is reasonable that his Grace had
‘rewardyd them, and for lack of Mo-
‘ney the Kyng than rewarded them
‘with Lond: And to sum Men he hath
‘done yn likewise above their Demerits
‘thorow Importunite of their Sewtes.
‘And yt is supposyd that to some of
‘them is gyven a C*l*. worth Lond yere-
‘ly, that would have hould him con-
‘tent with CC*l*. in Money, if they might
‘have had it in hande; wherefore yt is
‘thought, yf such Giftes, and namely,
‘those which have byn made inconsy-
‘derately, or above the Merits of them
‘that have them, ware reformyd, and
‘they rewardyd with Money or Offi-
‘ces, or somewhat Lyvelood for terme
‘of Life, which after their Deths wold
‘then return to the Crown, the Kyng
‘schuld have such Lyvelood as we now
‘seke for sufficient, for the Mainténance
‘of his Estate. And yf yt would not
‘then

then be so grete, I hold yt for undoubtyd, that the People of this Lond wol be wylling to graunte hym a Subsidye upon such Commodities of his Realm, as be before specifyd, as schal accomplish that which schel lack him of such Lyvelood. So that his Highnesse wol wel establissh the same Lyvelood then remaynyng to abide perpetually to his Crown, without translatyng therof to any other Use. For, when that schal happyn hereafter to be given hytte schal nede that his Commons be chargyd with a newe Subsidye, and be alwaye kepte in Povertie.

Hereafter ys schewyd why yt needeth that there be a Resumption.

We found by grete Causys yt was nedefull, that all such Gyftes as have ben made of the Kynges Lyvelood inconsiderately as not deservyd, or above the Merites of them that hath getyn them were reformed, so that they which have done Service be not over rewardyd, which thyng as me thynketh may not perfily be done without a general Resumption made by Act of Parlement. And that ther be gyven the Kyng by the Authority of the same Parlement, a grete

‘Subsidye, with which his Highness with
‘the Advice of his Councail, may re-
‘ward those that have deservyd rewards;
‘and ought not therefore to have parte
‘of his Revenues, by which his Estate
‘must nedes be mainteyned, or ought not
‘to have so much of the Revenues as they
‘have now, or not so grete Estate in the
‘same. Consydering that all such ge-
‘ving away of the Kynges Lyvelood, is
‘harmfull to all his Liege Men, which
‘schal therbye, as is before schewyd, be
‘artyd to a new Charge for the Susten-
‘tation of his Estate. But yet, or any
‘such Resumption be made yt schal be
‘good, that an honourable and notable
‘Counceil be establyshyd, by the advyse
‘of which, all new Gyftes and Rewards
‘may be moderyd and made, as yf no
‘such Gyftes or Rewards had ben made
‘before this time. Provyded alwey,
‘that no Man be harmyd by reason of
‘such Resumption in the Arrearages of
‘such Lyvelood as he schal then have,
‘which schold ron after the Resumpti-
‘on, and before the seid new Gyftes and
‘Rewards. And when such a Counceil
‘is fully create and establyshed, hit
‘schal be good that all Supplications
‘which schal be made to the Kynge for
‘any Gyfte or Reward be sent to the
‘same

'same Councell and ther debatyd and
'delibered. First, whither the Suppli-
'ant have deservyd such Reward as he
'askyth, and yf he have deservyd yt,
'yet it nedeth, that yt be delibered
'whether the Kynge may gyve such
'Rewards as he asketh of his Revenues,
'savyng to himself sufficient for the Su-
'stenance of his Estate, or else such ge-
'vyng war no Vertue, but rather a Spice
'of Prodigality, and as for so much it
'war delapidation of his Crown. Where-
'for no private Person wol by reason of
'Liberalite, or of Reward, so abate his
'own Lyvelood, as he may not kepe
'such Estate as he did before. And
'truly it war better that a private Per-
'son tackyd his Reward, which he hath
'wel deservyd, than that by his Reward
'the good Publicke and also the Lord
'were hurt; Wherefor to eschewe these
'two Harmes, hyt may than be advyfyd
'by the Councell how such a Person
'may be rewardyd with Office, Money,
'Marriage, Fraunchise, Privilege, or
'such other thyng, of which the Crown
'hath grete Rychesse; and veryly if this
'Order be kepte, the Kynge schal not be
'grevyd by Importunyte of Sewters,
'nor they schal by Importunyte or Bro-
'cage optain any unreasonable Desires.

O

'O what myghty quiet ſchal growe to
'the Kyng by this Order, and in what
'reſt ſchal al hys People lyve, having no
'Colour of grutchyng with ſuch as ſchal
'be about hys Perſon: As they were
'wont to have for the gyvyng away of
'his Londs, and for miſcounceiling hym
'in many other Cauſis, nor of murmour
'ageyn the Kyngs Perſon ſoo the miſgo-
'verning of his Realm.

The firſt Regular Reſumption ha-
ving been made in the Reign of Henry
the Sixth, it ſeems by this Paper, which
contains the Scheme of a Reſumption,
that the Act for reſuming Grants, &c.
paſſ'd 28 Hen. 6. was modell'd by this
able Lawyer, who was made Lord
Chief Juſtice of the Common-Pleas 20
Hen. 6. and who we find to have been
Chief Juſtice of the King's-Bench, the
*28th Year of the ſame Reign.

*Ret. Parl.
28 Hen. 6.

At the End of the Manuſcript, out of
which this was tranſcribed, is this Note:

*Explicit Liber compilatus & factus per
Johannem Fortescue Militem quondam ca-
pitalem Juſtitiarium Angliæ, & hic Scrip-
tus Manu propria mei Andrini Fortescue
Militis, 1532.*

Our Anceſtors did not only take Care
to help the Princes Affairs by Acts of Re-
ſumption, but they likewise reliev'd him
when

when he had been over-reach'd or deceived in Releases, or what we now call Privy-Seals; having an Eye that such as were Debtors or Accomptants to the King should not be discharg'd without making a fair and just Accompt; whereof we shall produce a President, with which we shall close this Section.

Rex Thesaurario & Baronibus suis de scaccario Salutem. Cum Pralati Comites & Barones ad ordinandum de Statu Hospitii & Regni nostri nuper virtute Commissionis nostre inde factæ Elerti inter ceteras ordinationes per ipsos factas, & per nos approbatas Ordinaverint quod omnes Donationes per nos factæ ad Damnum nostrum & detrimentum Corona nostra de terris Tenementis redditibus Custodiis & Maritagiis, ac etiam pardonationes & remissiones debitorum post 16. Diem Martii An. Regni nostri Tertio quibuscunque personis revocentur, & quod terra tenementa redditus Custodia & maritagia prædicta in Manum nostrum resumantur, & quod debita illa non obstantibus pardonationibus & remissionibus prædictis leventur ad opus nostrum. Vobis mandamus quod scrutatis Rotulis & Memorandis dicti Scaccarii de hujusmodi Donationibus Concessionibus & pardonationibus post prædictum 16. Diem Martii In dicto Scaccario factis & inspecta quadam Scheda quam vobis super hoc mittimus

Rot. Claus.
8 Edw. 2.
M. 11.

timus sub pede sigilli nostri omnia debita in
 predictis rotulis memorandis & Scheda con-
 tenta, & per vos post predictum 16. Diem
 Martii pardona & remissa levare faciatis
 ad opus nostrum non obstantibus pardonationi-
 bus & remissionibus predictis aut allocationi-
 bus ad dictam Scaccariam inde factis, & de
 Exitibus de terris & Tenementis Castellis,
 & Maritagiis predictis provenientes nobis
 ad dictam Scaccariam faciatis responderi Teste
 Rege apud Westm. 15 Die Martii.

S E C T. IV.

That several Ministers of State have been Impeach'd in Parliament for presuming to procure to Themselves Grants of the Crown-Revenue.

IN the foregoing Section we have taken Notice how careful the Commons of *England* have all along been, to assist by Acts of Resumption, such of their Kings as had been injur'd by immoderate Bounty. We shall now go on to show how Parliaments have proceeded with the Instruments of their Profusion, and in what manner they have handled such Ministers of State as have either wink'd at, or promoted the Depredations that were made upon their Master's Revenue; and especially with those who in Breach of their Trust have ventur'd to enrich themselves with Spoils so little

T

war-

warranted by the Constitution of this Kingdom.

The Records we have already cited sufficiently demonstrate that it was ever the Opinion and Sense of the People that the King should live upon his own, and that the Nation should not be burthen'd with unnecessary Taxes and Impositions.

It appears likewise from the foresaid Records, that when the Crown has been impoverished by Gifts and Grants, new and extraordinary Courses of Raising Money have become unavoidable.

It cannot be denied but that our Kings have very anciently prescrib'd a Power of Alienating the Publick Renennes, but it may admit of a Question, whether this was not more *de Facto* than *de Jure*, and 'tis not quite so clear that from the beginning it was so; on the contrary it rather seems one of those Incroachments which Flattery and Compliance have supported.

For it would not be difficult to make appear that in all these Gothick Governments founded upon the Principles of Liberty, the Publick Revenues were esteem'd to belong as well to the Kingdom as to the King. * *Bodinus* says it was held as a Maxim in *France*, That the

* *De Re-pub.* l. 6.

the Propriety of the Crown-Lands was not in the Prince ; That 'twas esteem'd as a Fundamental in *France, Spain Poland* and *Hungary*, that the Crown-Lands were not alienable: Which Opinion has been confirm'd by Decrees of the Parliament of *Paris*. King *Charles* the V. and VII. would not have the Crown-Lands engag'd but by Consent of Parliament.

* *Mezeray* says, *Le Domaine des Roys, & * Vide de celui de l'Eglise, estoient inalienables.* And *Charles-magne.* that tho' their Kings were now and then constrain'd to make Grants, *C'estoit a vie seulement, & a titre de Gratification, C'est pourquoy ils les nommoient dies Benefices, mot qui n'est demeure que dans l'Eglise.* † *Bodin* says, all Monarchies and † *Lib. 6.*

States have held it for a general and undoubted Law, That the Crown-Lands should be holy, sacred and inalienable; and that the Maxim is grounded upon this wholesome Policy, That the Wants of the Prince might not compel him either to overcharge his whole People with Impositions, or to seek for Wealth by confiscating the Estates of private Men. * *Lewis XII.* * *Ibid.* (who was term'd the Father of his Country) would not mix his Revenues and Patrimony with what belong'd to the Publick, erecting separate Offices

* *Cot. Post.*
P. 179.

to that purpose. Sir * *Robert Cotton*, an Author of great Weight in all these Matters, says (as we have noted before) that in *England* our Ancestors held it impious to alienate the ancient Demeasne-Lands of the Crown.

We have taken Notice, in the second Section, of the difference the *Roman* Emperors made between the *Fiscus*, and the *Aerarium*, the first of which was the private Patrimony, and in the other the People had a Right.

Of this very Thing there are Footsteps in *England*. That is, there was anciently a Difference made between the *Scaccarium* and the *Hannaperium*, and

* *Spel. Glos.* * *Spelman* seems to liken the *Scaccarium*
p. 278. or Treasury to the *Aerarium*, and the

† p. 331. *Hannaperium* or Hamper to the *Fiscus Principis*. † *Hannaperium*] *Fiscus vel sporta grandior in Cancellaria Regis, cui inferuntur Pecunia e Sigillatione diplomatum, Brevium, Chartarum Regiarum, &c. provenientes*. For this Branch of the Revenue as we are inform'd, the Chancellor in old times did not accompt in the Exchequer; it being look'd upon as the Princes private Patrimony, or for his Privy Purse, and so to be dispos'd of without any Accompt. It was formerly a Clause in most Grants, ----- *Sine aliquo Fine*

Fine vel Feodo magno vel parvo nobis solvendo in Hannaperio. Which Fine went to the King's private Purse. Heretofore when much Land was in the Crown the *Hamper* yielded so considerable a Sum, as that it was thought fit to be included in all the Acts of Resumption; for large Pensions being begg'd out of it, the Parliament judg'd it their Duty to take care as well of what was reckon'd the Princes *Peculium*, or private Patrimony, as of what belong'd jointly to him and the Publick, which was done in other Instances, as where they resum'd *Annis 3 & 4. 7 & 13 Edw. 4.* his Family Inheritance of the Dutchy of *York* and Earldom of *March*.

But this difference, with many other good Forms of our old Government, is laid aside. * *Nulla pené jam nobiscum habita Pecunia Publicæ & privatæ distinctione, cum sit utrâque; in solius Principis Arbitrio.* And from the time of *William Rufus*, our Kings have thought they might alienate and dispose of the Crown Lands at will and pleasure; and in all Ages not only Charters of Liberties and Franchises have been given, but likewise Letters Patents for Lands and Mannors have actually pass'd in every Reign.

* *Splen. Glos.*
p. 278.

Nor would it have been convenient that the Princes Hands should have been absolutely bound up by any Law, or that what had once got into the Crown, should have been for ever separated from private Possession: For then, by Forfeitures and Attaintures, he must have become Lord of the whole Soil in a long Course of Time; The Constitution therefore seems to have left him free in this Matter, but upon this tacit Trust, (as he has all his other Power) that he shall do nothing which may tend to the Destruction of his Subjects.

However tho' he be thus trusted, 'tis only as Head of the Common-wealth; and the People of *England* have in no Age been wanting to put in their Claim to that in which they conceiv'd themselves to have a remaining Interest, which Claims are the Acts of Resumption that from time to time have been made in Parliament, when such Gifts and Grants were made, as became burthensome and hurtful to the Publick.

Nor can any Government or State divest it self of the Means of its Preservation: And if our Kings should have had an unlimited Power of giving away their whole Revenue, and if no Authority could have revoked such Gifts, every pro-

profuse Prince, of which we have had many. in this Kingdom, would have ruin'd his Successor, and the People must have been destroy'd with new and repeated Taxes, for by our Duty we are likewise to support the next Prince: So that if no Authority could look into this, a Nation must be utterly undone without any way of redressing it self; which is against the Nature and Essence of any free Establishment.

Our Constitution therefore seems to have been, that the King always might make Grants, and that those Grants, if pass'd according to the Forms prescribed by the Law, were valid and pleadable against not only him, but his Successors. However at the same time 'tis likewise manifest that the Legislative Power has had an uncontested Right to look into those Grants, and to make them void whenever they were thought exorbitant. And therein wise Kings have given way, and not thought it dishonourable to join with their People in that which was judg'd to be for the Ease and Benefit of the major part.

But because in Acts of Resumption the Legislature exerts it self in an extraordinary manner, and because 'tis a Cordial of a very strong Operation, and for

that such Acts must of Necessity break into private Contracts, Marriage-Settlements, Sales upon a valuable Consideration, and, in many other Instances, the Law has fenc'd the King's Revenue with Restrictions and wholsome Constitutions, it has prescrib'd Forms by which Grants and Gifts should pass, it has erected several Checks, and trusted those Checks in the Hands of high Officers of the Crown; And lastly, the Laws have call'd to Accompt, and severely punish'd many Men of great Birth and Figure for breaking down these Fences; by all which our Ancestors seem to have desir'd and design'd preventing Mischiefs in their Growth, and that Recourse should be had to extraordinary Remedies as seldom as possible.

And First, That not only his common Expences, but that also his Liberalities might be supply'd without diminution of the Capital, innumerable Laws did provide that he might be neither deceiv'd in his Receipts nor in his Payments, besides which the *Introit* and *Exit* of the Exchequer was originally contriv'd with Check upon Check, and with all the Care and Art imaginable.

But

But all these good Methods were very early overthrown by the Negligence of some Princes, but more through the Corruption of their Ministers.

Henry the IV. who had depos'd his Predecessor, and who came in upon the Foot of Reformation, began to make Regulations, and restore some Order in the Revenues of the Crown.

In the first Year of his Reign the Commons complain'd of outrageous Grants, and of great Sums of Money released to undeserving Persons, the King not perceiving the hurt done him at the time of the Grant. They pray that such Grants upon good Deliberation may be recall'd, and that from thenceforth he would make no Grant but with the Advice of his Council. The King Answers, *He will be advis'd by the wise Men of his Council.* And thereupon several good Regulations relating to the Passing of Grants are establish'd, but take the Record.

Et ausyn qil ne soit deceux en les Grantes ou douns annuelx ou en fee, ou en ascunes Offices per luy a faires ou a Granter, en temps avenir, il voet, de lassent des Seignours Esprituelx & Temporelx, & des Communes, qe tous ceux qi demanderont du Roy Terres Tenementes Rentes Offices
An-

1 Hen. 4.
Rot. Parl.
Num. 98.

Annuitees ou autres profites qe conqs, facent expresse mencion en leur Petitions de la value de la chose ensi a demander, & auxi de ceo qe ils ont eue donne le Roy, ou des autres ses Progenitours ou Predecessours per devant; & en cas qe ils ne facent tiel mencion en leur dites Petitions, & ceo duement proeve, soient les lettres patentes du Roy ent faites nient vaillables ne de nulle force neffect, mes de tout revoques, repelles & adnuelles pur toutz jourz au punissement de ceux qe ensi ont fait tiel deceit, ou Roy come ceux quy ne sont pas dignes denjoier leffet & Benefice des Lettres Patentes a eux Grantez en celle partie.

This Acts directs, that in the Petition to the King for any Gift or Grant, exprefs mention shall be made of the true Value of the thing petition'd for, and that mention be made of what other Gift or Grant the Petitioner has had from the King or any of his Predecessors; and if all this be omitted, the Grant to be void.

4 Hen. 4.
Rot. Parl.
Num. 31.

In the fourth Year of his Reign, He declares he will grant no Lands but to such who shall deserve them, as shall best seem to Him and Council; and if any make demand without desert, he shall be punished by the King and his Council, and not obtain his Suit.

In

In the eleventh of his Reign, it was enacted, That all manner of Heridita-
ments which from thenceforward should
fall into the Crown, should not be alien-
ated but remain to the King.

Thus did this wise King, by keeping
the Life-Blood of the Body-Politick with-
in its proper Veins, add to it so vigorous
a Health, that his Son was in a Condi-
tion to attempt and succeed in the Conquest
of France.

And by his Resumptions, and by the
good Order he had settled in his Re-
venues, he enabled *Henry* the V. to go
on in those great Undertakings, without
laying any extraordinary Burthens up-
on the People. * *Sir Robert Cotton* says, *
That during *Henry* V. Reign of nine
Years, there was no Charge laid upon
Land. Out of the Goods of the Com-
mons, he received six times the tenth,
and fifteenth entirely, and once two
thirds only of staple Wares; A Subsi-
dy once for four Years, and after for his
Life: Three Shillings Tunnage, and 12
Pence Poundage for the like terms as
the former Subsidies. And thrice he
had the Tenth of his Clergy. All
which was but very little, considering
the great Actions he perform'd; but he
himself was a wise Man, and his Fa-
ther

II Hen. 4
Rot. Parl.
Num. 23.

Answers
to the
Reasons:
for Fo-
reign
Wars,
p. 47.

ther had left him an honest and able Set of Ministers.

But long before either of these Reigns, the King's Revenue was a particular Object of the Parliaments Care; And they endeavour'd to keep his Affairs within such a Compass, that the People might not be burthen'd with new Taxes; which they try'd to bring about by the following Methods.

1. By Regulating the Expences of the

** Edw. 2. King's Court. * Anno 3. Edw. 2. An Ordinance was made, Pro Hospitio Regis, in ease of the People. A l'honneur de Roy & a son profit, & au profit de son peuple, selon droit & resonel serment que le dist nostre Seigneur le Roy fist a son Corone-*

*ment. * Anno 36. Edw. 3. The House-*

hold was regulated at the Petition of the

People. † Anno 1. Rich. 2. The House-

hold was brought to such a Moderation

of Expence as might be answerable to the

*Revenues of the Crown. * Anno 11.*

Hen. 4. The Expences of the King's

Household were moderated; the Reason

*the Commons gave for it, was, *Que vous poiez vivre le vos biens propres en eese de vostre Peuple.**

2. By

2. By desiring the King to employ wise and able Men in his Affairs, as was done, * *Anno 6. Rich. 2.* And by desiring the King to make use of such Persons as were renown'd for Virtue, as was done, † *Anno 5. Hen. 4.* And by appointing certain Persons by Name to be of the Privy Council at the King's own desire, as was done, * *7 & 8. Hen. 4.*

4. for which the principal Reason given in the Record, is, the Improvement of the King's Revenue. *Premiere-ment pur la Conservation des Droits de nostre Seignour le Roy, & de sa Carone, & que le Revenu dycell soient mieulx Coillez a son Profit & encresecez a tant come home poet justement le faire a syn quil poet le mieulx son honorable Estat sustinir.* And Note, that just before the Passing this Act, there pass'd an * Act to Banish Foreigners.

*Rot. Parl.

6 Rich. 2.

Part 2.

Num. 16.

†Rot. Parl.

5 Hen. 4.

Num. 19.

*Rot. Parl.

7 & 8.

Hen. 4.

Num. 31.

*Rot. 1b.

Num. 29.

3. By procuring the Banishment of Great Men, and particularly Foreigners, by whom the Mony of the Nation was consumed. Thus the Weight of the People prevail'd upon * *Henry II.* to banish *William de Ipre* Earl of *Kent* a *Netherlander*, and all his Countrymen, when they were become a Burthen to the State. They prevail'd likewise upon † *Richard I.* to send away *Otho* Earl of *York*, tho' he was

* Hen. 2.

ex Gervas

Dorobern.

† Rich. 2.

ex Rich.

Canonico

in Vit.

was Rich. 1.

was his own Nephew, with all his *Bavarians*. And he took from *Otho* the Earldom of *York*, because it offended the People that a Foreigner should enjoy so high a Title; and in exchange he gave him the Title of *Poictife*. * *Henry III.*

* *Hen. 3.*

Ex lib.

St. Albans

Will. R.

shang. & lit.

Baron Papæ

(as we have noted before) was compell'd to Banish his half Brothers, the Earl of *Pembroke* and the Bishop of *Winchester*, who had more than any others help'd to impoverish that profuse Prince. At the same time all the the *Poictovins* were banish'd. *Edward II.* was necessitated to send away *Pierce Gaveston*, and others, as appears by his Ordinance. † *Le tout*

† *Ex Ord.*

nat. 3. Edw.

2. in lib.

Legum

Manuscr.

fol. 285.

le Lignage sire Pieres Gaveston soit entirement ouste de estre entoins le Roy & de son Service, Item Burgois de Til soit ouste & son Fias que est Mereschal d l'eschequer; Item que Bertram Assabi & son Frere & ceux de Gascoigne, & Aimerick de Friscomband soient oustre & ses terres prises en le main

* *Rot. Parl.*

11 Ri. 2.

Part 1.

Num. 28.

le Roy. In the 11th of * *Richard II.* an Act of Parliament pass'd to banish the *Bohemians* who were Hangers on upon the Court, and help'd to undo that unfortunate King. In the 5th of † *Hen. IV.*

* *Rot. Parl.*

5 Hen. 4.

from

Num. 26.

to Num.

21. exclus.

All Foreigners, except some few about the Persons of the Queen and Princes, are banish'd the Court, and the Reason given for it is that they were a Burthen and

and Charge upon the King. *Et qe le Houfiell de nostre dit Seignour le Roy ne feusse chargez ovesqe tielx estrangers. Mais qe ycell Houfiell purroit estre mis en bone & moderate Governance dont les Coustages purroit estre supportez des Revenues del Roialme ovesqes autres charges necessaires.*

4. By appointing Commissioners to inspect the Publick Accompts, as was done in the Case of Furnival and Master John Pelham. These two Gentlemen, at the Parliament held at Coventry, had been made by the House of Commons particular Treasurers for certain Aids then granted towards carrying on the War. In the 7th and 8th of Henry IV. They pray to have leave to quit their Employments (a Modesty and Self-Denial not very common in this Age) and that their Accompts might be pass'd; upon which the House of Commons directed Persons to audit and state the said Accompts. The Record is very curious, we shall therefore give it in Words at length,* *Item mesme le Jour, le dit Mr. John* *Rot. Parl. 7 & 8 Hen. 4. Nu. 44. *[Tibetot then Speaker] monstra de par les ditz Communes coment, au Parlement nadgaires tenuz a Coventre, Thomas sire de Furnival & Mr. John Pelham furent assignez Tresorers pur les Guerres Come pierd de Record en Rolle de Parlement, puis quel Temps*

Temps les ditz Tresorers ont desirez, & molt diligement pursuis as diverses foits a nostre Seigneur le Roy, & as toutes les Estates de ceste present Parlement, de estre deschargez de leur dit Office, & auxint ont suppliez as dits Communes, qe leur pleust de faire instance & request pur mesme les Tresorers, a mesme nostre Seigneur le Roy, & as tous les Estates suisdits, pur eux finalement & outrement deschargier de leur dit Office. Sur quoy pria le dit Mr. John Tibe- tot en nom des dits Comunez a mesme nostre Seigneur le Roy, qe les dits Tresorers soient outrement & finalement deschargiez de leur dit Office. Et qe leurs Heirs Executours ne Terre Tenants ne soient aucunement en temps avenir grievez molestez inquietez ou empe- chez a cause du dit Office ou pur le exercice de ycelle, & qe cestes prier & request soient entrez de Record en Rolle de Parlement.

Ceux prier & request nostre dit Seigneur le Roy graceusement ottoia; & purtant qil ad pleu a nostre dit Seigneur le Roy qe les dits Tresorers soient deschargiez de leur dit Office, & de assigner certains Auditours, cest assavoir le Seignour de Roos & le chief Baron de le Eschequer, & qil est la volonte du Roy a ceo qe les dits Comunez ont entenduz, qe mesmes les comunez deussent nomer autres Auditours, doier & terminer les Accompts des dits Tresorrers. du temps passe, Mesme
yceux

yeux Communes ont nomez certains Persones comprises en une cedula delivre per les dits Communes en Parlement, tielx come leur semble necessaires en ceo cas, par le poure estat de les Communes dessuis dits, Cestassavoir.

Mr. Hugh Lutherel,	} <i>Cinq Quatre Trois</i> <i>ou Deux de Eux.</i>
Mr. Richard Redeman,	
Lawrence Drewe,	
Thomas Shelrey,	
David Holbeche,	
William Staundon,	

Furnivale and Sir John Pelham (for so he is call'd afterwards) were, as the *Re-
**Ret. ibid.*
 cord says, *Ordeignez Tresorers de les Guer-*
Num. 63.
res, or what we call Paymasters of the Army, and press'd the Parliament to take their Accompts : An Example which we hope all their Successors in that Employment will desire to follow. The Powers likewise which the Parliament gave to these Commissioners are fit to be observ'd. *Qe pleise a vostre tres gracieuse Seignourie, de ordeigner qe les dits Auditours ensi nomez, soient Auditours de Record, eians plein poair & autoritie du Parlement de Oir & Terminer le dit Accompte, & de faire Allowance as avant dits Tresorers, si bien de les Paiements & delivraances par eux faits, per vertue & autorite des*

Ministers Impeach'd

vos Lettres & Mandements dessous vostre Seale a eux directs, pur les causes suisdits, & sur les Dependants dycelle, Come de les Paiements & Delivrances per mesmes les Tresorers, per Authorite de lour dit Office faits pur semblable Causes & les Dependants dycelle.

That is, Power was given not only to inspect but finally to conclude the said Accompt. To which the King assented. And it seems our Ancestors thought such a Commission necessary to hinder the publick Money from being embezzel'd.

5. Parliaments have preserv'd the King's Revenue by inquiring into the Cause why some Branches yielded nothing, as in *Edw. 3d's*. Reign it was ask'd, Why *Ireland* was rather a Burthen than a Profit to the Crown? The Commons desiring if the Fault lay in the Ministers, that they may be remov'd. *

**Rot. Parl.*

21 *Edw. 3.*

Nu n. 41.

Item pleise a nostre Seignour le Roy faire enquerer per bons Gents la Cause purquoi il ne prent profit de ce qil ad in Irland come tous ses Ancestres avoint Aide de luy & de la Comune pur meyntenir sa guerre depuis qil ad plus en Irland qe uulle de ses Ancestres navoint, & si defaute soit trove en ses Ministres laundreit qe autrez y soient ordeignez en loar lieu, tieux qi vouldrent respondre

au

*au Roy du Profit qil averoit dilloques de reson.
Resp. Il plect a nostre Seignour le Roy qe
ensf soit.*

These were some of the Methods by which the House of Commons endeavour'd to preserve the Crown-Revenue from the greedy Hands of those who were always desiring therewith to enrich themselves. But the Kings greatest Safety lay in the very Constitution of the Exchequer, which if bad Ministers had not broken into, our former Princes could not have been robb'd so much to the Impoverishment of the people.

The Constitution of the Exchequer, we may rather call it the Constitution of the Kingdom, has contriv'd to put a great many Letts and Obstructions in the way of designing Favourites and rapacious Followers of the Court, and that no Grant should pass from the King but upon strict Inquiry and after mature Deliberation.

In order to which the State thought it necessary to be at the expence of several Great Officers, who should be as so many Centinels continually watching that the King may not be surprized nor defrauded.

Regularly and according to the Laws of the Land, Grants from the

Crown ought to make the following Steps.

The Petition is first made to the King, in which (as we have noted before) the Petitioner ought to insert the true, and express Value of the Thing demanded.

The King refers this Petition to the Treasurer of the Exchequer, now call'd Lord High Treasurer of *England*, whose first Step is to have a Particular of the Thing petition'd for from the Auditor, if it lies before him, or from the King's Remembrancer, if it lies before him : This Care is taken that the State may not be deceiv'd in the value of the Thing.

The Petition is first referr'd to this High Officer, because the Law presumes that the whole State and Condition of the Revenue lies before him, that he knows what Debts and Engagements the King has upon him, and whether the Expences of his Wars, and the other necessary Charges of his Government, are not such, as for the Peoples Ease, and by the Rules of Justice ought for the present to restrain his Bounty. If the Thing to be granted be of great Value, if it cannot be given away without great Damage to the Crown, if by reason of such Gift
he

he is hindred from paying his just Debts, or from having wherewithal to defray the Charges of the Government, or to provide for the Kingdoms Defence; or if by this and other Gifts he must be driven through the failing of his own Revenue, to lay heavy Burthens upon the People; 'tis the Duty of the Lord Treasurer to represent the whole Matter honestly and impartially to the King, and to hinder the Grant from proceeding any further. And as a Tie upon him he takes the following Oath. " Ye shall
" swear, That well, and truly, ye shall
" serve the King our Sovereign Lord,
" and his People in the Office of Treasurer; and ye shall do right to all
" manner of People, Poor and Rich, of
" such Things as toucheth your Office;
" And that King's Treasure truly ye
" shall keep and dispend; And truly ye
" shall counsaile the King, and his Counsel ye shall layn, and keep; And that
" ye shall neither know nor suffer the
" King's Hurt, nor his dis-heriting, nor
" that the Rights of his Crown be distressed by any means, as far forth as
" ye may let; And if ye may not let it,
" ye shall make knowledge thereof clearly and expressly, to the King, with
" your true Advice, and Counsel: And

“ ye shall do, and purchase the King’s
 “ Profit in all that ye may reasonably
 “ do, as God you help, and the Holy
 “ Evangelists. ” It was hardly possible
 to devise a more binding Oath. And the
Words Ye shall well, and truly, serve the
King our Sovereign Lord, and his People
in the Office of Treasurer, are an Evidence
 that our Forefathers took themselves to
 have some kind of Interest in what was
 call’d the Crown-Revenue.

If the Grant meets with no Objection
 at the Treasury, the King signs a War-
 rant directed to the Attorney or Solicitor-
 General, who is another Great Officer,
 impowring him to prepare a Bill contain-
 ing such a Grant. And if the Grant be
 of Mony appropriated by Act of Parlia-
 ment, or of Lands annex’d to the Crown
 by Act of Parliament, or if the Grant
 be any ways illegal or prejudicial to the
 Crown, it is the Attorney or Solicitor-
 General’s Duty to advertise thereof.

After Mr. Attorney has pass’d it, it
 goes to the Signet, the Custody whereof
 is in the Secretary of State, who being a
 Minister in high Office is presum’d by
 the Laws to be watchful for the King’s
 Good, and to inquire into all Matters re-
 lating to the Weal Publick. He is pre-
 sum’d

sum'd to be apris'd of the persons Merits to whom the Grant is to be made, and likewise to understand either the Affluence or Want in the King's Coffers, and the general Condition of his Revenue. And having an Allowance for Intelligence, he is presum'd to know the Discourses and Opinions of the people, and how such Grants are relish'd : If therefore the person suing out the Grant has no Merit at all, or at least no sort of pretention to so great a Reward, or if he knows the Publick to be press'd with Wants and Debts ; or if he hears that the People murmur at the Taxes which Profusion introduces, and Clamour to see the Nations Money wasted, by his Duty, as Privy Councillor, and by his Oath he is bound faithfully and plainly thereof to inform the King.

From the Signet it should go to the Privy Seal, who is likewise another Great Officer ; who being near the Person of the King, is presum'd to know the Condition of the Kingdom ; and therefore the Law has made him another Check. He takes this Oath : " Ye shall
" as far forth as your Cunning and Dis-
" cretion sufficeth, truly, justly and
" evenly execute and exercise the Of-
" fice of Keeper of the King's Privy Seal,

“ to you by his Highness committed, not
 “ leaving or eschewing, so to do for
 “ Affection, Love, Meed, Doubt, or
 “ Dread of any Person or Persons, &c.
 So that if the Lord Privy Seal, finds that
 through Corruption in other Offices, or
 that by Power, Importunity, or partial
 Favour, a Grant, tending greatly to the
 publick Damage, and to the Diminu-
 tion of his Prince's Revenue, has pass'd
 so far as to his Office, he ought to stop
 it there, and is bound in Duty, and by
 his Oath, to lay the whole Matter be-
 fore the King.

From the Privy Seal it goes to the
 Great Seal, in the Custody of the Lord
 Keeper, or Lord Chancellor of *England*,
 who is accounted the Kingdom's, as well
 as the King's Officer, and there the
 Grant is compleated; upon which score,
 in the Eye of the Law, this Great Mi-
 nister is most look'd upon, his Oath is
 the same with that of the Lord Treas-
 urer. He swears, “ Well and truly
 “ to serve the King and his People in
 “ the Office of Chancellor, truly to
 “ Counsel the King, not to suffer his
 “ Hurt or Dis-heriting, nor that the
 “ Rights of the Crown be distress'd,
 “ by any Means, as far forth as he
 “ may let; And if he may not let it,
 “ he

“ he is to make it clearly and expressly
“ known to the King, with true Ad-
“ vice and Counsel; And, in all that
“ he may, he is to do and purchase
“ the King’s Profit.” So that more
than any other, as the highest Officer,
and as the last Check, the Laws presume
him to consult for the King’s good,
Therefore if the Grant be exorbitant,
if it be made to an undeserving Person,
if it notoriously surpasses the Merits of
the Suitor, if it was obtain’d upon
wrong Suggestions, if it occasions Ob-
loquy to the Government, or Discon-
tent among the People, if the King’s
Debts are many and clamorous, if the
Nation labours, at the same time as the
Gift is made, under heavy Taxes; and
if the Grant tends greatly to the Hurt
and Impoverishment of the Crown
(with all which Matters the Law pre-
sumes so great a Minister in the State
to be acquainted) he is bound in Duty
and by his Oath not to fix the Great Seal
to the said Grant, but thereupon faithful-
ly and impartially to advise the King:
and Chancellors who have acted other-
wise, and who, contrary to the Trust of
their Office, have ventur’d to pass outra-
gious Gifts, *Dons Outrageuxes*, as the Re-
cords call ’em whereby the Crown has
been

been impoverish'd, have been heretofore, as we shall show by and by, question'd impeach'd and attainted in Parliament.

* Anno 27
Hen. 8.
Cap. 11.

These were the ancient Steps in Passing Grants from the Crown, which were afterwards inforc'd by a positive * Law in the Reign of *Henry* the Eighth, a Prince jealous enough of the Regal Authority. 'Tis true, by the Suggestion in the Preamble, it looks as if the Act were made to preserve the Fees belonging to the Clerks of the Signet, but bringing in Fees to Officers, being never the Object of a Parliaments Care; we ought to conclude that the House of Commons gave that fair Colour (in the Reign of a Suspicious and Arbitrary Prince) to the Regulations they intended to make as to Passing Grants from the Crown. First, the Law directs, " That the King's Grants
" shall be brought to the Principal Secretary, or to one of the King's
" Clerks of his Grace's Signet for the
" time being, to be at the said Office
" of the Signet pass'd accordingly. And
" be it also ordained and enacted, That
" one of the Clerks of the said Signet,
" to whom any of the said Writings
" signed with the King's most gracious
" Hand, or the Hand of any other a-
" fore said,

“ foreſaid, or any of them, fortune to
“ be deliver’d, may and ſhall by War-
“ rant of the ſame Bills, and every of
“ them within the ſpace of eight days
“ next after he ſhall have receiv’d the
“ ſame, unleſs he have Knowledge by
“ the ſaid Secretary, or otherwiſe, of
“ the King’s Pleaſure to the contrary,
“ make, or cauſe to be made in the
“ King’s Name, Letters of Warrant,
“ ſubſcrib’d with the Hand of the ſame
“ Clerk, and ſealed with the King’s
“ Signet, to the Lord Keeper of the
“ King’s Privy Seal, for further Pro-
“ ceſs to be had in that behalf: And
“ that one of the Kings Clerks of the
“ ſaid Privy Seal, upon due Examina-
“ tion had by the ſaid Lord Keeper of
“ the ſaid Privy Seal, of the ſaid War-
“ rant to him addreſſed from the Office
“ of the ſaid Signet as afore, may and
“ ſhall within the ſpace of eight days
“ next, after he ſhall have receiv’d the
“ ſame, unleſs the Lord Keeper of the
“ Privy Seal do give them Command-
“ ment to the contrary, make, or cauſe
“ to be made, by Warrant of the fore-
“ ſaid Warrant to the ſaid Lord
“ Keeper of the Privy Seal, Addreſs
“ from the Office of the Signet afore-
“ ſaid, other Letters of like Warranty,
“ ſub-

" subscribed with the Name of the
 " same Clerk of the Privy Seal, to the
 " Lord Chancellor of *England*, Lord
 " Keeper of the Great Seal, Chancel-
 " lor of the Dutchy of *Lancaster*, Chan-
 " cellor of the King's Land of *Ireland*,
 " Treasurer and Chamberlains of the
 " Exchequer, and Chamberlains of any
 " of his Counties Palatines, or Princi-
 " pality of *Wales*, or other Officer, and
 " to every of them, for the writing
 " and ensealing with such Seals as re-
 " main in their Custody of Letters Pa-
 " tent or Clofed, or other Process mak-
 " ing, due and requisite to be had or
 " made upon any the said Grants, ac-
 " cording to the Tenor of the Warrant
 " to them or any of them directed from
 " the Officer of the Privy Seal, as is afore-
 " specified.

These Cautions show how carefully
 our Constitution has provided that no-
 thing shall be done which may turn in
Despendum Regis aut Regni.

But here some flattering Lawyers will
 affirm, That these Methods are Dire-
 ctive not Coerceive: Or, as *Hobart* says,
 † " That these kind of Statutes were
 " made to put Things in ordinary
 " Form, and to ease the Sovereign of
 " Labour, but not to deprive him of
 " Power;

† *Hobart's*
Reports,
Colt and
Glover, p.
 146.

"Power;" according to this Maxim of the same Judge, That ** Dare Prerogativam est nobile Officium Judicis & Debitum* And truly, heretofore *Westminster-hall* did so order it, that these Fences, intended to keep the Publick Revenues from the Hands of Spoilers, were all broken down, and that all these Statutes were evaded.

** Lord Sheffield, ver. Ratcliffe, p. 335.*

For the Force of all these wholesome Laws was enervated by Clauses afterwards incerted into the Letters Patents, viz. *Ex certa Scientia, mero motu, & Gratia speciali*. *Ex certa Scientia* was very anciently made use of, but the words became more necessary afterwards to defeat the Act of *Henry IV.* where 'tis enacted, † "That the true and exprefs Value of the thing to be granted, shall be incerted in the Letters Patents, otherwise the Grant to be void." So that these words suppose the King to have certain knowledge in every Circumstance of the thing he is to give away, which happens very rarely to be the Case. But notwithstanding these words, if certain Proof can be made that the King was misinform'd by false Suggestion, no Lawyer will say the Grant is good. *Ex mero motu*, imports the Honor and Bounty of the King, who Rewards

† Rot. Parl. 1 Hen 4. Num. 98

wards the Patentee for Merit without his Suit. These words suppose the King to be truly appris'd of the person's Merit, and were brought in to obviate the 4th of *Henry IV.* whereby it was ena-

**Rot. Parl.*

4 *Hen.* 4.

acted, * "That no Lands should be given, " but to such as deserv'd them; and if " any made Demands without Desert, " that he should be punish'd." And to the same purpose were added the words *Ex Gratia speciali*; yet more to denote that the Gift proceeded meerly from the King's Favour, and not at the Party's Solicitation.

But besides all this, because anciently it seem'd a Fundamental, that the Crown-Lands were not alienable, and because all along Parliaments had complain'd of these Alienations, as looking upon 'em to be illegal, the Lawyers of old Times endeavour'd to secure and cover all by a Clause of *Non Obstante* to be incerted in the Patents.

These Clauses of *Non Obstante* were not known in our original Constitution. *Mathew Paris* says, they grew rife in the Reign of *Henry III.* Anno Dom. 1250.

* *Mat. Paris*, p. 810.

* *Sparsimq; jam tales Literæ, in quibus inserta est hæc detestabilis adjectio: Non Obstante Priore Mandato, vel hæc, Non Obstante Antiqua Libertate Suscitaban-*

tur.

tw. Then he goes on, *Quod cum com-*
perisset, quidam vir discretus tunc Just-
iciarius, scilicet Rogerus de Thurkeby,
ab alto ducens suspiria, de prædictæ adje-
ctionis appositione, dixit Heu, heu, hos ut
quid dies expectavimus? Ecce jam civilis
Curia exemplo ecclesiasticæ Coinquinatur, &
a Sulphureo fonte intoxicatur.

But this Clause grew more necessary
after the 11th of Henry IV. when it was
plainly and directly enacted, “ * That
“ all manner of Hereditaments which
“ from thenceforward should fall into
“ the Crown, should not be alienated,
“ but remain to the King. ” And
this last Law being positive, unrepeal’d
(as we know of) and still in force as much
as *Magna Charta*, and the Doctrin of *Non*
Obstantes seeming to be condemn’d by
The Act declaring the Rights and Liberties
of the Subject, in these Words, “ That
“ the pretended Power of suspending
“ of Laws, or the execution of Laws
“ by Regal Authority, without Consent
“ of Parliament is Illegal. That the
“ pretended Power of dispensing with
“ Laws, or the Execution of Laws by
“ Regal Authority, as it hath been as-
“ sum’d and exercis’d of late is Illegal.”
There will arise a Question how far the
Grants made, since the passing this Act,

* Rot. Parl.
11 Hen. 4.
Num. 23.

1 *Gul. & Mar.* are valid by the Laws, as they stand at present.

For we may argue thus, It was enacted 11 *Hen. IV.* That the Crown-Lands should not be granted away, However the Practice was otherwise, and the Grants were supported by Clauses of *Non Obstante* : But these *Non Obstantes*, or the dispensing with Laws in force, being declar'd Illegal, it should follow, that the Grants of Crown-Land made for these last ten Years are void in Law, and revokable at the King's Will and Pleasure. But 'tis left to the Gentlemen of the Long Robe to determin in this Point.

However, tho' this Doctrin of *Non Obstantes* (invented perhaps first to enlarge the Prerogative for the People's benefit, and made use of afterwards to extend it to the King and People's Damage) may have heretofore receiv'd Countenance in *Westminster-hall*, there is another Place where in no Age it has met with Favour.

And the Reasons why so many Resumptions have been made, might be, First, That it gave Offence to the Legislative Authority to see the Ministers make use of this dispensing Power. Secondly, That it appear'd the Suggesti-
ons

ons were wrong upon which the Grants were grounded : That is, that the Sovereign did not proceed *Ex certa Scientia*, namely, that he was surpris'd and misinform'd in the value of the Thing given. That he did not proceed *Ex mero motu*, but that the Gift was wrested from him by his importunate and underserving Courtiers. That he did not proceed *Ex Speciali Gratia*; but was rather induc'd to bestow the Favour, through the necessity of his Affairs, to quiet some great Man, or to please some powerful Party. And in all probability upon such, or the like Accompts, Parliaments have look'd into Grants, and the best Princes have not thought it dishonorable to join in Revoking what had been thus Extorted from them.

And as to the distinction which the Lawyers make between Directive and Coercive : Admit the Forms by which the Law has directed all Grants shall pass, should be only Directive to the Sovereign, and devised for his greater Ease and Safety, yet without doubt they are Coercive to his Ministers. No Lawgivers ever intended that a solemn Law, made upon mature Deliberation, and prescribing a Rule in high Affairs of State, should have no effect at all. But the

27 *Hen. VIII.* which Chalks out to the Secretary, Lord Privy Seal, and Lord Chancellor, the regular Steps they are to make in passing Grants, would be of no sort of signification, if they may pass *per Saltum*, and by immediate Warrant, without being enter'd in the several Offices.

When Parliaments advise the Prince, 'tis humbly submitted to his Wisdom, whether or no he thinks fit to approve of their Councils : But when by a written Law they give Advice, and lay down Rules and Directions in Matters of State for the Ministers to walk by and observe, without doubt they intend, Advice so solemnly given, should be follow'd.

Hitherto we have mention'd the Cautions, Provisions, Restrictions and Forms, which our Ancestors establish'd, and made use of, to preserve the King's Revenue, by which the Publick was to be supported. But notwithstanding all this, the Wickedness of Men was either too Cunning, or too Powerful for the Wisdom of the Laws in being.

And from time to time Great Men, Ministers, Minions, and Favourites, have broken down the Fences contriv'd and settled in our Constitution; they have

have made a Prey of the Common-wealth, plum'd the Prince, and converted to their own Use, what was intended for the Service and Preservation of the State.

We shall therefore proceed to show, That to obviate this Mischief, the Legislative Authority has all along interpos'd with Inquiries, Accusations and Impeachments, till at last such dangerous Heads were reach'd.

For as Courts have been watchful to Rob the Prince, so antiently the Barons, and after wards Parliaments, from time to time have been as vigilant to prevent his Ruin, showing, in the progress of their Councils, great Wisdom mixt with Duty, and Temper join'd with Courage,

The first Great Person whom we find question'd since the *Norman* Government, was *Ranulphus* Bishop of *Durham*, who bore the Office, of what we now call * *Dugdale Series Chronica*, Lord Treasurer of *England*, in the time of *William Rufus*. This Man had been p. 1. the Principal Instrument of the Profusion, and of what is its Consequence, those Extortions that disgrac'd the Reign of *Rufus*: Of whose times *William* of *Malmsbury* speaking says, None were then Rich but such as dealt with the Exchequer,

* William
Malms. p.
123.

† Mat. Pa-
ris, p. 56.

* William
Malms. p.
123.

† Mat. Pa-
ris p. 56.

chequer, * *Nullus Dives, nisi Nummularius*. This wicked Minister was brought to Punishment by Henry I. who cast him into Prison, and loaded him with Chains. Matthew Paris says, † *De Comuni Consilio Gentis Anglorum posuit eum Rex in vinculis*. Malmsbury gives him this Character, * *Ranulphus Clericus ex infimo genere hominum, Lingua & Assiduitate proventus ad summum; Expilator Divitum, Exterminator Pauperum, Confiscator alienarum Hereditatum. Inviectus Causfidicus, & cum verbis, tum rebus immodicus, nec aliorum curaret odium dummodo complaceret Dominum*. It seems he was a little insolent Fellow, who by his fluent Tongue and cringing at Court, had got Power enough to do much hurt in England: A mischievous Tool against the Publick; as well as an Oppressor of private Men; Subtle to invent Wickedness, and Bold to put it in Execution, and one who would stick at nothing to raise himself. Matthew Paris speaking of him says, he was, † *Homo perversus, & ad omne Scelus paratus, quem Rex constituerat Procuratorem suum in Regno ut evelleret, destrueret, raperet & disperderet, & omnia omnium bona ad Fisci Commodum comportaret*. We have thus painted out this Statesman in the Colours as he is

res

represented by those two Venerable Writers. And he so much resembles several bad Ministers, who, in the Ages since, have succeeded both to his Post and Power, that one would think they had chosen to take him for their Pattern.

In the 5th of *Edward II.* *Pieres de Gaveston* was accused in Parliament for having given the King ill Counsel, and for having cheated the King of his Treasure, and sent it beyond Sea, and for having estranged the King's Heart from his People, so as he slighted their Councils, and for having remov'd all faithful Ministers, and placed only his own creatures, or Foreigners about the King, and for having caus'd the King to grant Lands, Tenements and Offices to himself and his Heirs, and to divers other People, (inasmuch that by his Wealth he was become dangerous) to the great damage and injury of the King and his Crown. For which he was banish'd the Realm, so as if he returned he should be treated as an *Enemy* to the King, Kingdom and People. But take the Words of the Record because it is very curious.

Purceo qe conue chose est, & per le examination de Prelatz Countes & Barouns, Chivalers & autres bones Gentz du Roialme Rot. Ord.
5. Edw. 2.
Num. 20.

trouvez, que Pierces de Gaveston, ad Mal-
meuez & mal Conseillez nostre Seignour le
Roy, & lad enticee a malfaire en divers Ma-
nieres & deceivances en accoillant a lui toute
le Tresor le Roi, & lad esloigne hors du
Roialme, en attreant a lui royal Poer, &
royal Dignite, come en aliaunce faire de
Gentz, par sermentz, de vivre & morir
ovesque lui encountre tous Gentz, & ceo par
le Tresor qe il purchace de jour en jour, en-
seignurant surlestete le Roy & de la Corone,
en destruction du Roi, & du Peuple, & es-
pecialment enloignant le cuer le Seignour de
ces liges Gentz eu despisant leurs Counseils,
nient soeffrant bons Ministers faire ley de
Terre, en ostant les bons Ministers, mettant
ceux de sa Covine ausi biens Aliens, come
autres qe a se volunt & a son commandment,
offendent droit et ley de Terre, en parnant
Terres, Tenements et Baillies du Roy, a lui
et a ses Heires. Et ad fait, qe le Roy ad
donne Terres et Tenements de sa Corone as
divers Gentz, a grand damage et decrese de
l'Estate le Roy et de sa Corone. Et ceo ausi
bien puis l'ordeinement, qe le Roy granta as
Ordeinours de faire au profit de li et de son
Peuple, come devant, encountre l'ordeine-
ment des Ordeinours. Et maintient Rob-
beours Homicides et les fait avoir le charte
le Roi de Peez, en donant hardement a mes-
seurs de pis faire, et menant le Roi en Terre

de Guerre sanz commun assent de son Barnage, en peril de son Corps, et en destruction du Roialme. Et en faisant sealer blanches Chartres desoutz le Grand Seal le Roi, en deceit et desberitance du Roy et de sa Carone, et encontre son Homage, et felonement fausement et treterousment ad fait les choses susdites a grand dishonour et damage du Roi, et desberitison de la Carone, et a destruction du Peuple in moultz maners. Et ovesque ceo nous eantz regard a lez faits le tresnoble Roi Pere le Roi qore est, par qui Agard, lavant dit Pieres forsjura le Roialme d Engleterre, et voleit qu nostre Seignour le Roi son Fitz forjurast a touz jours la Campaigne de lui, et qui puis, par comun assent de tout le Roialme, et du Roi, et de lui mesmes, les Prelatz Counts et Barouns autrefoitz estoit agardez de meisme le Roialme voider et voida, et que son retourner nestoit unques par comun assent, mes seulement par assent des ascuns persons qui, sanz Condition, si bien se portast apres son retourner, a ce se assentirent. Et ore certaine, ment est troves son mal port, pur que port, et pur Les grandes mauvaisetees susdites, et pur plusors autres qe purront aveiner a nostre Seignour le Roi, et a son Peuple, et pur bon accord nurrer entre le Roi, et ses Gentz, et moltes maners, de discordes et perils eschuire. Nous ordeinons, par vertue de la Commission nostre Seignour le Roi a nous

X 4

grantee

grantee, qe Pieres de Gaveston, come a-
piert Enemy le Roy, & de son Peuple, soit
de tout exiles, auxi bien hors de Roialme d'
Engleterre, d' Escoce, d' Irland, & de Galles,
come de tote la Seignourie noltre Seignour le
Roy, auxi bien dela la mere, come de cea a
touz jourz, sans james returner, & qil
voide le Roailme d' Engleterre, et totes les
Terres susdites, et tout outriment la Seignou-
rie noltre Seignour le Roi, entre ci et la Feste
de toutz Seintz prochein avenir. Et luy
donons Port a Dover, en la forme susdite &
nuelle parte aillours a passer & a voider : Et
si et dit Pieres demoerge en le Roialme d'
Engleterre ou uelle parte aillours en la Seig-
nourie noltre Seignour le Roi outre la dit
jour qe done luy est de voider et de passer
come est susdite, Adunqe soit fait de luy come
del Enemy du Roi et du Roialme et de son
Peuple; Et qe touz ceux qi desformes voant
encontre cest ordeinement en droit du dit Ex-
ile ove le peine qe sensuit, soit fait de eux
solonc ceo qe y appent si de ceo soient at-
teintz.

*Pieres Gaveston at first was a Man only
in the King's Pleasures; but as weak
Princes often remove Men from their
Pleasures into their Busines, so Gaveston
became presently a Minister of State:
For the Records shew that he was Guar-
dian and Lieutenant of the Kingdom in
the*

the King's Absence with very immoderate Powers, and afterwards he was constituted * Lieutenant of *Ireland*; but * *Pat. 1. Ed. 2. m. 3.* the extravagant Honours and Favours conferr'd upon him, and the Lands he got from the King, drew, as all our Historians witness, the Indignation of the Parliament upon him. † *Tbo. Wal.* † *Walsing.* *singham* says, that the Barons, *Librato utrobique Periculo, inveniunt, quod vivente Petro esse non poterit Pax in Regno, nec Rex abundare Thesauro.* And so they never rested till he was banish'd the Kingdom.

* In the same Parliament *Henry de Beaumont* was likewise accus'd, for that to the damage and dishonour of the King, he had receiv'd the Kingdom of *Man*, which the Lords whom the King had consented should be of his standing Council, thought fit should remain to the Crown; And for that he had procur'd from the King to himself other Rents, Lands, Franchises and Offices; And for that he had procur'd for others the Grants of Lands, Rents, Tenements, Franchises and Offices; And for that he had given evil Council to the King contrary to his Oath. For all which the Judgment upon him was, That he should be outed the King's Council for ever, and not

not come near the King's Person, unless he were summon'd to Parliament, or call'd upon to attend the King in his Wars; Or unless it were by common Assent of Archbishops, Bishops, Earls and Barons, in full Parliament; and that all his other Lands should be seiz'd into the King's Hands until the King should be satisfy'd, the full value of what he had receiv'd from those Lands so granted to him by the King.

It seems likewise that in this Reign the Ladies were Begging and Intreagu-ing at Court. For the Lady *Vesey* was
 * *Rot. ibid.* * accus'd for having prevail'd upon the
 Nu. 23. King to give Sir *Henry Beaumont* her Brother, and to others, Lands, Franchises and Offices, to the Damage and Dishonour of the King, for which she was order'd to repair to her own House, without ever returning to Court to make stay there.

'Tis true (as we have noted before) the King got this whole Act repeal'd at the Parliament held at *York*, 15 *Edw.* 2. but it was just after he had made a War upon his People, and put to Death the
 * *Tho. Wal-* * Earl of *Lancaster*, of the Blood Royal,
ling. p. 116. and Eleven or Twelve of the other Peers of *England*. And what succeeded to this unfortunate Prince upon such an extraordinary

dinary Act of Violence is but too manifest.

The Ministers and Promoters of all the Irregularities committed by that King were the two *Spencers* Earls of *Winchester* and *Glocester*, who were put to death in a tumultuous manner. * *Col. 2547.*

Knyghton indeed says, the Earl of *Glocester* was arraign'd before Sir *William Trussell Justiciare*. *Dominus Hugo Spencer ductus coram domino Willielmo Trussell Justiciario areniatus est coram eo ad Bar- rum*

One of the principal Heads of the Accusation against *Hugh Spencer* was, for that he had advised the King to give and grant unto the false Traitor the Earl of *Winchester*, *Andrew Harkely*, and to himself, Lands appertaining to the Crown in disherison thereof.

* *Hugh apres celle maveiste, vous Consel- lastes nostre Seignour le Roy, en desheri- taunce de sa Couronne, a doner vostre Piere que fust faux Traytour, le Conte de Wyncestre, & Andrewe de Harkely Traytour notorie & attaynte, le Conte de Cardoyle. Et a vous Hugh la Terre de Cantermaure & autres Terres que furent proprement Appurtenancez a la Couronne.* * *Knyghton Col. 2548.*

For which, and for other Crimes, he was condemned and Executed.

Among

Among the Articles exhibited in Parliament, *Anno 4. Edw. 3.* against *Roger Mortimer* Earl of *March*, two of 'em are for procuring to himself Grants of the Crown-Revenue. That he caused the King to make him Earl of *March*, and to give Him and his Heirs many Lands, in Disherison of the Crown. And that the said *Roger* caused the King to give to Him and his Children and Confederates, Castles, Towns, Mannors and Franchises in *England Ireland and Wales*, in decrease of the Revenues of the Crown.

*Judicium
Rogeri de
Mortimer.
*Rot. Parl.
4 Edw. 3.*

** Et a mesme le Parlement, per son dit Royal Poer a luy accroche, fist tante, qe nostre Seignour le Roy luy fist Conte de la Marchie, & luy dona plusours Terres, a luy, & a ses Heirs, en desheritance nostre dit Seignour le Roy & de sa Corone.*

Item le dit Roger per son Royal Poer a luy accroche, fist le Roy doner a luy, & a ses Enfantz, & a ses Alliez Chastels Villes Manoirs & Franchises en Engleterre, Ireland & Gales en decrese de sa Corone.

Rot. ibid.

For this and for other Crimes, of which some were judg'd to amount to Treason, he was condemned to be hang'd at *Tyburn*, and the Sheriffs of *London* were order'd to attend the Execution.

In the 10th of *Richard II. Michael de le Pool* Earl of *Suffolk*, was impeached in Parliament upon several Articles, the principal of which was, For that being Lord Chancellor, and sworn to promote the King's Profit, he had purchased of the King Lands, Tenements, and Rents of a great Value, against his Oath, and such Grants being more than he deserved, considering the great Poverty of the King and Kingdom. To which he answered, That he had no Lands of the King, but since his being created *Earl*, and that by way of exchange. To which the Commons replied, by showing the Oath he took when he was made Lord Chancellor, the Effect whereof was for doing Justice, observing the Laws, Counseling the King, and not to suffer any Damage or Disherison of the Crown, and that by all means he should promote the King's Profit; And hereupon because he confess'd the Gift of the Lands to him whilst he was Chancellor, and that during the same time, the Exchange was made of good Lands, for a Casual Custom at the Port of *Hull*, they inferr'd that the same was not for the King's Profit, according to the Tenor of the Chancellor's Oath; And therefore they pray Judgment. The Judgment against the
said

said Earl was, That for Breach of his Oath, all the said Mannors and Hereditaments which he had of the King's Gift, should be seiz'd into the Kings Hands, together with all the mean Profits, saving to the Earl his 20 l. per Annum Creation-Mony in the County of Suffolk But take the Words of the Record as far forth as they relate to the present Matter.

*Rot Parl.

10 Ri. 2.

p. 1.

Num. 1.

Premierement qe le dit Consteestant Chancellor, & jure de faire le Profit du Roy, purchassa de nostre Seignour le Roy, Terres Tenements et Rents a grand value, come piert per Record es Rolles de la Chancellerie, encontre son serment, La ou il n'avoit tant deffervi, considerez la grante necessite du Roy, et du Royalme, et outre ce, a cause qe le dit Conte fust Chancellor au temps du dit Purchase faite les dites Terres et Tenements, furent extendus a meindre value quils ne veillent, per an per grant some, en deceite du Roy.

*Rot. ibid.

Num. 6.

Qand al premier Article de son Empechement, cest assavoir depuis qil estoit Chancellor, quil deust purchasser certains Terres du Roy, &c. Le dit Conte respond que depuis quil fust Chancellor il ne purchassa unques nulles Terres ne Tenements du Roy, ne le Roy luy donna, ne al nully des soins, nulles Terres ne Tenements, tant que aux temps qe
le

le Roy fist prendre l'estat du Cinte, mes per voie de verrai Exchange, Cest assavoir qe come le dit Conte avoit CCCC Marcs annuels sur la Cusume de Kyngston sur Hull, per descence de Heritage, par ceux il pleust au Roy d assigner au dit Conte Terres et Tenements a la value, et assignee et ordonna partie devant quil fust Chancellor, et partie depuis, et ce au profit du Roy, si bien annuellement come par Cause de une Some de mille Marcs paiees ou Roy per le dit Conte pour celle cause, &c.

Then he proceeds to give several Particulars of the Agreement, and to set forth his Merits, and that the King made him take the Honour of Earl upon him without his seeking, and how he was persuaded to be Chancellor. But it seems the Parliament did not take his Answer to be sufficient; for the Commons reply'd in the Words following.

Et les Communes replians al response du dit Conte dei premier Article, Monstrent as Seignours la Copie de son serment, fait qant il fust Creez Chancellor, en maniere quensuit. Vous Jurrez que bien et Loyalement servirez a nostre Seignour le Roy, et a son People, en l office de Chancellor, et droit feres as toutes Gens poves et riches, seloncles lois et usages du Royalme, et loyalement conseilerez

Rot. Ibid.
Num. 8.

seillerez le Roy, & son Conseil sellerez, & que vous ne sarez ne sufferez le damage ne desheritison le Roy, ne que les droitures de la Corone soient destruits per nulle voie, sy avant come vous le poez destourber, & sy vous ne poez destourber, vous le ferez savoir clerement & expressement au Roy ensemblement oue vostre loyal avis & Conseil, & que vous ferez & parchasarez le profit le Roy par tout ou vous le purrez faire raisonablement. Si dieu vous aide & les Seints Evangieles. Prient que ce lu & bien entendu, & considerez les Circonstances de son dit responce, sy bien, Gest assavoir de ce que n'ad pas dedit, que il ne recent du don le Roy, puis qil estoit fait Conte, estant en l'office de Chancellor, diverses Terres & Tenements come contenu est en le Empechement, come qil ad conus ouvertement qil recent du Roy autres Terres & Tenements que sont certains & seures, a la value de quatre Cents Marcs per an. en Exchange de quatre Cents Marcs annuels, ceux il avoit sur la Custume de Kyngston sur Hull que sont casuels, & nemmy sy seures, nient enformant le Roy clerement de son damage celle partie, & coment qil ad dit, qil recent parties desdites Terres & Tenements issint pris en change devant qil estoit Chancellor, les Communes dient qil estoit lors du Prive Conseil du Roy, & a ce jurez, & puis en la Creation del Office de

de Chancellor astrict de Nouel per serement,
et il en cel Office Agreant as Exchanges par
luy devant suppliez, prist et receust du Roy
le remenant desdites Terres et Tenements en
plein persourmessement des Exchanges sus-
dits et demandent Judgement du Parlement
surtout son responce des susdits.

So that for the Insufficiency of his
Answer the following Judgment was
given.

Et purce qe le dit Conte ne alléga point
en son Responce qil observe le effecte de son
serement, & en ce qil jurrast qe il ne save-
roit ni ne souffreroit le damage, ne la deshe-
ritison du Roy, ne qe les droitures de la Co-
rone fussent destruits, par nulle voie, sy
avant come il les poiast destourber et si il
ne les poet destourber il le feroit savoir
clerement & expressement au Roy ense-
mblablement, ove son loyal avise & Coun-
seil & qil feroit & purchasseroit le Profit
le Roy per tout ou il le pourroit fair resona-
blement, Et il tant come il estoit ainsy
principal Officer du Roy, Sachant le Estat
& necessite du Roy & du Royalme, prist
du Roy tiels Terres & Tenements come est
suppose par le Empeachment, a luy en le dit
premier Article surmis, & coment qil alle-

Rot. ibid.
Num. 13.

gea en son responce qe les dons a luy issint faits furent confirmez par plein Parlement, il ny a nul tiel record en Roulle de Parlement. Purquoy Agardez est, qe tous les Manoirs Terres & Tenements, Rents, Services, Feos, Avoesons, Reversions & Profites; ove lour Appurtenances per luy issint recens du Roy, soient Reseisez & Reprises en les Mains du Roy a avoir & tenir a nostre dit Seigneur le Roy, et ses Hoirs sy pleinement & enheritablement come il les avoit et tenoit devant le don eint fait al dit Conte, et qe toutz les Issues et Profits ent receus ou levez al Oeps du dit Conte en le mesme temps soient levez al Oeps nostre Seignour le Roy des Terres et Chastelx du dit Conte illoques et aillours. Mes ne est pas le Intention du Roy, ne des Seignours, qe celle Judgment sestende de luy faire predre le nom et le Title de Conte ne les vingt livres Annuelx quex le Roy luy grana prendre des issues du Conte de Suffolk, pur le Nom et Title avantdits, Et outre purceqe le dit Conte nodpas dedit qil nestoit du prive Conseil du Roy, et a luy jure quand il demanda primes du Roy la dit Exchange estre faite, et ad conu qe devant les dites Exchanges perfourmes il fut fait Chancellor en quel Office il fust astrict per son serement faite en la forme avant dite.

So that it appears plainly from this Record, That King, Lords and Commons, took it to be a Crime in the Lord Chancellor, and against his Oath, to take Lands in Gift or in Exchange from the King; for upon the Chancellors Oath the Judgment was grounded, it being in those Days thought and understood, that he who was sworn to purchase the King's Profit, should not enrich himself with the Revenues of the Crown, and as the Record says, that he chiefly ought not to do so, who was *le Principal Officer*, and who knew the State and Necessities both of King and Kingdom. And it was a very odd Circumstance of those times, that the Legislature should be necessitated to relieve the King against Frauds committed by the Principal Judge in Equity, and by the Keeper of his Conscience.

Anno 11. Rich. II. The Legislative Authority was not satisfied with what had been done the Year before against this Chancellor, but it was thought fit to proceed farther against Him and other bad Ministers who had attempted to overthrow the Constitution of this Kingdom.

The Duke of *Glocester* Uncle to the King, and Constable of *England*, the Earl of *Darby*, the Earl of *Arundel*, the Earl of *Warwick*, and *Thomas* Earl *Marschal*, accus'd *Michael de la Pool* and others of High Treason; the Term then us'd was they Appeal'd 'em of Treason.

**Rot. Parl.*

11 *Rich.* 2.

p. 2. m. 7.

* *Thomas Duc de Glocester Conestable d Engleterre*, *Henry Conte de Derby*, *Richard Conte de Arundel & de Surry*, *Thomas Conte de Warwick*, & *Thomas Conte Marechal*, Appellons *Alexandre Ercevesque Deverwik*, *Robert de Verr Duc d Irland*, *Michael de la Pool Conte de Suffolk*, *Robert Treselian faux Justice*, & *Nicholas Brembre faux Chivalier de Londres*, de *Hautes Trahisons par eux faits encontre nostre Seignour le Roy & son Royalme*, Come *Traitours & Ennemies du Royalme*. *Leux Appel & Trahison sont declarez Appointez & Specifiez pleinement, sy come est contenu en diverses Articles dessous Escripts. Et Priont qe les dits Appelles soient demandez, et qe droit et Justice ent soit fait en cest present Parlement.*

Then these Lords exhibited against *Michael de la Pool*, and the rest, 39 Articles of High Treason. In the 5th, 6th, and 7th

7th Articles, they are accus'd for having procur'd to themselves and others, and to their Kindred, Grants of the Crown-Lands in *England* and *Ireland*, besides Gifts of Mony to the Value of above One Hundred Thousand Marks, by which the Kingdom came to be loaded with Taxes and Impositions.

Item per le dit Acrochement les avantdits Robert de Verr Duc d Irland & Michael de la Pool Conte de Suffolk, per assent & Conseil du dit Alefandre Ercevesqe Dever-wik ont fait qe nostre Seignour le Roy sans Assent du Royalme, ou desert de eux, lour a done per leurs abettements diverses Seignouries, Chastelx, Villes, & Manoirs si bien annexes a sa Corone, come autres, sy come la Terre de Irland, & de Okeham ove les Forests dicelle, & autres Terres, qe furent al Seignour d Audeley, & autres Grants Terres, au dit Robert Verr Duc d Irland, & as autres diversement, peront, ils sont grandement Enriches, & le Roy est devenu pource, & ne ad dont il se pourra soutenir & porter les Charges du Royalme sinon per Impositions Taxes ou Tributs mettre & prendre sur son People en desheritison de sa Corone & en defeasance de son Royalme.

5 Art.

6 Art.

Item par le dit Acrochement, les avandits Alexandre Ercevesqe Deverwick, Robert de Verr Duc d'Irland, Michael de la Pool Cont de Suffolk, & per assent & conseil desdits Robert Tresilian faux Justice, Nicholas Brembe Chevalier de Londres, ont fait qe nostre Seignour le Roy a donne divers Manoirs, Terres, & Tenements, Rents, Offices, Ballies, as diverses autres Pesones de leur Affinite, & as autres diverses Personnes des queux ils ont pris grands dons pur Brocage pur ycelle cause & auxi pur Cause a tenir avec eux en leur faux querelles, et purposes en defeasance du Roy et de son Royalme, sy come est de Sir Robert Manseil Clerk, Johan Blake, Thomas Usque et autres diversement.

7 Art.

Item Robert de Verr Duc d'Irland, Michael de la Pool Cont de Suffolk, & Alexandre Ercevesqe Deverwick, per assent et conseil de dit Nicholas Brembe, faux Chevalier de Londres, acrochants a eux royal Poer, ont fait qe nostre dit Seignour le Roy leur a donne tres grands somes dor & d'argent, sy bien ds ses biens & Joiaux propres, come des biens & Tresor du Royalme, sy come des Dismes & Quinsismes et autres Taxes grantez as diverses Parlements pur estre

for procuring Grants.

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*estre exploites en deffence et sauvegarde du
Royalme, et autrement, qelle some amonte
cent mille Marcs et plus, sy come au dit Ro-
bert de Verr Duc d Irland, et autres di-
versement, et outre ceo plusieurs bones Or-
dinances et Purposes faits et ordeinez en
Parlement sy bien pur les Gurrees come en de-
fence du Royalme ont ilz destourbes, en
grande Arrerisement du Roy et du Royal-
me.*

The Persons accus'd were sommon'd
to answer to the 39 Articles; and not
appearing, the Duke of Gloucester and
the other Lords Appellants, pray the
Non-appearance may be recorded.

** Ilz feurent demandez solennement en* <sup>*Rot. Parl.
11 Rich. 2.
P.3. m. 14.</sup>
*le grande sale de Westminster et auxint a
la grande porte du Palois de Westminster
de venir & respondre, &c.*

*Le Duc et Cont Appellants, prient au dit
Roy nostre Seignour, et aux dits Seignours,
du Parlement qils violent Recorder le defaul-
te, &c.*

After which the King and the Lords
took time to deliberate upon the Matter.
Then the Judges, Serjeants and Civil-
ians were call'd, for to deliver their Opi-

nions in Law ; who said the Appeal was not in the Forms requir'd, either by the Common or Civil Law. To which the Lord's answer'd, That the High Court of Parliament was not bound up to the Forms and Rules of the Courts below. But take the Words of the Record it self.

**Ror. ibid.*

———— * *A quel temps les Justices et Ser-
geants, et autres Sages de Ley du Royalme,
et auxint les sages de la Ley Civile, fu-
rent Chargez de par le Roy nostre dit Seig-
nour, de doner loyal Conseil as Seignours du
Parlement de deument proceder en la cause
de le susdit Appel, les queux Justices, Ser-
geants, et Sages de la Ley du Royalme, et
auxint les dits Sages de la Ley Civile, pri-
stont ent deliberation, et respondront as dits
Seignours du Parlement, qils avoient veue
et bien entendu la Tenour du dit Appel, et
disoient qe mesme le Appel ne feust pas fait ne
affirme selonc l ordre qe lune Ley ou lautre
requiert ; Surqoy les dits Seignours du Par-
lement pristront ent deliberation, et avise-
ment, et per assent du Roy nostre dit Seig-
nour, et de lour Commun accord, estoit de-
clare qe en si haute crime come est pretendu
en cest Appel, qe touche la Personne du Roy
nostre dit Seignour, et l estat de tout son
Royalme, perpetre per persones qe sont Peers
du*

du Royalme ovesqe autres, le cause ne sera aillours deduit qe en Parlement ne per autre Ley qe Ley et cours du Parlement et qil appertient as Seigneurs du Parlement et a lour Franchise et Libertee d'auncien Custume du Parlement destres Jugges en tieux case, et de tieux case ajugger per assent du Roy, et qe ensy sera fait en cest Cas per Agarde du Parlement: Purceqe le Royalme d'Engleterre ne estoit devant ces heures, ne a lentent du Roy nostre dit Seignour, et Seignours du Parlement onqe ne sera rule ne, gouverne per la Ley Civile, et auxint lour entent uest pas de ruler ou Gouverner si haute cause come cest Appel est, qe ne sera aillours trie ne termine qen Parlement, come dit est per cours Processe et ordre usee en ascun Court plus bas deinse mesme le Royalme, qeux Courts et Places, ne sont qe Executors d'ancienes Leys et Custumes du Royalme, et Ordinances et establissemments du Parlement. Et fust avis au mesmes les Seignours du Palement per assent du Roy nostre dit Seignour, qe cest Appel fuist fait et asirme bien, et asses duement, et le Processe dicelle bone et effectuell, selonc les Leys et Cours du Parlement, et per tiel lagarderont et adjugeront. Et a mesme jour le Roy nostre dit Seignour et Seignours du Parlement, seants en la dite blanche sale en plein Parlement

lement les ditz Appellantz prieront qe le Defaute des dits Ercevesqe Duc Cont et Robert Tresilian, Appelles comme devant feuse Recorde.

After which the Persons accus'd were again summon'd, and appear'd not, but alledged, (as we may suppose by their Council, for here the Record is silent) That they had not sufficient Notice of the Matter contain'd in the Appeal. Upon which the Parliament proceeded to Judgment.

In which the Judgment was, That several of the Articles against the said Persons contain'd High Treason, of which the Parliament pronounc'd them Guilty; And that they were guilty of the Crimes laid down in these other Articles, which were not judg'd to amount to Treason, among which were the 5th, 6th, and 7th Articles. But take the Words of the Record.

Rot. ibid.] Surquy les dits Seignours Temporels, per Commandement du Roy nostre dit seignour examineront les Articles contenus en ledit Appel, & le Couple des dits Ercevesqe Deverwick, Duc, Cont & Robert Tresilian,
Ap-

Appellez come devant, en celle partie par grand Labour & Diligence, & per continuance de diverses jours tanqe le Judy le 13 Jour dudit mois de fevrier, & par lour avisement et bone deliberation firent declaration & Adgugeront qe le 1 & 2 le 11. le 15 & le 17 Articles contenus en le dit Appel sont Treson. Et qe ce qest contenu en le 22 Article de mesme le Appel, touchant la levee des Gents, pur guerroyer & destruire les Seignours, & Lieges du Roy, est aussy Treson & qe les 28, 29, 30, 31, 32, 37, 38, 39. de mesme le Appel, sont aussy Treson, come est remembre en le avant dit roule, du dit Appel. Et trouveront per deue Examination, & per proves et emformations per tous les voies qils pourroit, lour Consciences deuement enformer, que le dit Ercevesqe, Duc, Cont, & Robert Tresilian, Appelles comme devant, feurent Coulpables notairement en icelles cest assavoir Chacun de eux en chacun Article qe luy touche. Et auxint qis sont coulpables en toutes les autres Articles contenus en le dit Appel, nient declares au present pur Treson, cest assavoir chacun deux en chacun Article qe luy touche, en presence du dit Roy nostre Seignour, et Seignours du Parlement Temporels, seant en la dite blanche sale en plein Parlement mesme de jeudy le 13 jour du dit mois

mois de Fevrier, les dits Duc & Contes Appellants prieront as dits Roy nostre Seignour & Seignours du Parlement illoques estants qe les dits Ercevesqe, Duc Conte et Robert Tresilian Appelles come devant fussent adjuges convicts de les hautes Trahisons contenus en le dit Appel.

Jugement
Rot. ibid.

Parqoy les dits Seignours du Parlement illoques estants come Juges du Parlement en cest Case, per Assent du Roy nostre Seignour, Prononceront leur declaration avant dite & adjugeront lesdits Ercevesqe, Duc, Cont, et Robert Tresilian, appellees come devant, coupables et convicts des Tresons contenus en les dits Articles, declares pur Treson, come devant, Et Agarderont qe mesmes les dits Duc, Cont, Robert Tresilian, appellees come devant, fussent Treinez et penduz come Traiteurs et Ennemies au Roy nostre dit Seignour, et a son Royalme, Et qe les dits Ercevesqe, Duc, Cont, Robert Tresilian, Appelles come devant, et leurs Heires fussent desheritez a tous jours, et qe leurs Terres et Tenements, Biens et Chateaux, feussent forfaits au Roy nostre dit Seignour. Et les Temporalites du dit Ercevesqe Deverwik, del Ercevesche Deverwik saisis es mains le Roy nostre dit Seignour.

In

In the same Parliament *Simon de Beurle* Lord Chamberlain, among other Crimes, was Impeach'd by the Commons for having perswaded the King to make large Gifts out of the Crown-Revenue to Foreigners, *Bohemians*, to the Impoverishment and Oppression of the People.

Item qe la ou le dit Simon de Beurle * *Ret. ibid.*
fust Chamberlein nostre Seignour le Roy, *Art. 7.*
en sa tendre Age, & tenu de luy Conseiller
pur le mieux, en profit de luy et de son
Royalme, le dit Simon per son malveis
Inginie, et procurement, conceilla nostre
Seignour le Roy davoit deinz son Houstiel
grande Plenitee des Aliens, Beamers, et
autres, et de les donner grands douns des
Revenus et Commoditees du Royalme, pe-
ront nostre Seignour le Roy est grante-
ment empoures et le People du Royalme
ouurement opreses.

The Parliament thought the Duke of Ireland so dangerous a Man that to be rid of him they had given the King a Grant of 30000 Marcs; but when *Suffolk* return'd after his first Disgrace, the Duke of Ireland return'd with him.
 About

About this time that the Ministry might be compleat, and of a piece, there was a Lord Treasurer of the same Stamp with the Chancellor, Chamberlain, and the Duke of *Ireland*, to wit, *John Foord* Bishop of *Durham*, of whom Sir *John Heyward* gives this Character.

* Life of " * He was a Man of little depth, ei-
Hen. 4. " ther in Learning or Wisdom, but one
p. 20. " that had the Art of seeming, in mak-
 " ing the best shew of whatsoever he
 " spake or did: And rising from a mean
 " Estate to so high a pitch of Ho-
 " nour, he exercis'd the more exces-
 " sively his Riot, Avarice, and Ambi-
 " tion, not able to moderate the Lusts
 " and Desires which former Want had
 " kindled. He at the same time was
 remov'd from the Council, and turn'd
 out of his Office of Treasurer.

We have dwelt the longer upon *Michael de la Pool*, because it is the first formal and regular Impeachment that we meet with in the Records. And perhaps it will not be unnecessary to say something of a Man that so much drew upon him the Hatred of the People.

* Life of * *Hayward* says, " He was a Merchant's
Hen. 4. " Son in *London*, and growing Mighty
p. 16. " on

“ on the sudden, he could not govern
 “ himself in the Change: But Prosperity laid open the secret Faults of his
 “ Mind, which were suppress’d and
 “ choaked before. *Thomas of Walsingham* calls him *Michael Atte Pole*, and says he was convicted in Parliament of notorious Frauds, * *Convicerant eum* * *Walsing.*
nempe de multis Fraudibus, et quibusdam *P. 324.*
proditionibus in Regem, quos nequaquam *Num. 10.*
insiciari nequibat, unde et cum responsis
astaret, et objecta negare nequibat, Rex
pro ipso verecundatus et rubore suffusus,
caput agitans, heu! heu! inquit Michael,
vide quid fecisti. But as soon as the Par-
 liament was up, the King took him into
 greater Favour than before. But the
 Weight of a Parliament will at last
 bear down a bad Minister, so that *de la*
Pool durst not stand the next Sessions,
 but fled to *France* where he died in Exile.
 But take from *Walsingham* the Character
 of this Chancellor, with the Account of
 his Death. * *Hac Æstata perfidiæ prom-* * *Ibid.*
ptuarium; Sentina Avaritia, Auriga Pro- *p. 339.*
ditionis, Archa Malitiæ, Odii Seminor,
Mendacii Fabricator, susurro nequissimus,
dolo præstantissimus, artificiosus detractor,
Patriæ delator, Michael Atte Pole, quon-
dam Comes Southfolchiæ Regniq̃ue Cancel-
larius

larius, sed nunquam Consiliarius, concessit in fata Parisiis, merito perfidum evomens Spiritum in terra peregrina.

Simon de Beurle whom the Commons had Impeach'd that Parliament, was beheaded at *Tower-hill*. His being Knight of the Garter exempted him from a more ignominious Sentence that was pronounc'd against him. This Man's sudden Rise from 20 Marcs to 3000 Marcs per Annum, drew the Hatred of the People upon him. * *Dominus de Burlee qui de Patrimonio hereditario expendre non valuit ultra XX Marcas, sed in paucis annis in obsequio prædicti Regis crevit ad ultra valorem trium mille Marcarum annui proventus.*

Rot. Parl.
21 *Ri.* 2.
Num. 47,
48.

Some perhaps will object, That in the 21 *Rich.* 2. most of what had been done 10 and 11 of the same Reign was repeal'd. 'Tis true the Fact is so, For *Richard*, after he had treacherously got into his Hands the Duke of *Glocester* his Uncle, and after he had imprison'd the Earls of *Arundel* and *Warwick*, the only three Lords in whom the People placed any Confidence, the Nation was quite disperited, insomuch that the King was

was

was able to pack a Parliament; which yet could not be brought to do his Business, 'till it was adjourn'd from *Westminster* to *Shrewsbury*. There he did what he would by the Help of Sir *John Busbie* (then Speaker of the House of Commons) Sir *William Bagot*, and Sir *John Green*, of whom Sir * *John Hayward* says, "These were * Life of
 " then in all the Credits and Autho- *Henry IV.*
 " rity with the King, and his chief- P. 84.
 " est School-masters, both of Cruelty
 " and Deceit: They were proud, ar-
 " rogant and ambitious, and upon
 " confidence of the King's Favour,
 " profess'd Enemies to Men of anti-
 " ent Nobility; to the end, that being
 " lately start up, they might become
 " more famous by maintaining Con-
 " tention with great Persons. And
 " first by their importunate Travail
 " all the Charters of Pardon, granted
 " by the King were in this Parlia-
 " ment annulled and revoked." These
 Pardons were revoked while the Par-
 liament sat at *Westminster*, where
Thomas Arundel Archbishop of *Canter-*
bury was banish'd, and his Tempora-
 lities seiz'd: All the other irregular
 Matters were transacted at *Shrewsbury*.

Z

But

But what was the End of all this Violence, and breaking in upon the Rights of Parliament? 'Tis seen in the Story, the People thereupon grew so discontented that *Henry Duke of Lancaster* was encouraged to come and invade the Kingdom with some few Friends, and of Soldiers, only fifteen Launces in his Company, who was chearfully embrac'd by the whole Nation. One of the first Things done in the Reign of *Henry the 4th* was to Repeal all that had pass'd at the Parliament held at *Shrewsbury*, and to affirm all that was done 11 *Rich. 2.* * *Qel Parlement feust*

* Rot. Parl.
1 Hen. 4.
Num. 66
& 67.

tenuz pur Grand honur et Comune Profit de tout le Royalme. And here 'tis to be noted, That in the First Article against King *Richard II.* when he abdicated the Throne, 'twas objected to him, That he did wastfully spend the Treasure of the Realm, and had given the Possessions of the Crown to Men unworthy, by reason whereof new Charges were laid on the Necks of the poor Commonalty. But take the whole Article.

* Rot. ibid.
Num. 18.

* *Imprimis ab jicitur Regi Richardo, quod propter malum regimen suum videlicet*

licet bona et Possessiones ad Coronam suam spectantia, etiam personis indignis donando, et alias indiscrete dissipando, et ob hoc collectas et alia Onera gravia et importabilia Populo sine causa imponendo, nec non alia mala innumerabilia perpetrando, alias de assensu, et mandato suis per totum Parliamentum ad gubernationem Regni certi Pralati et alii Domini temporales erant electi, et assignati, qui totis viribus suis circa justam Gubernationem regni, propriis sumptibus suis, fideliter laborarent, tamen Rex facto per eum Conventiculo, cum suis complicibus, dictos dominos tam Spirituales quam Temporales circa Regni utilitatem occupatos de alta Proditione impetere proponebat Justiciarios Regni ad suum nefandum propositum roborandum metu mortis et cruciatus Corporis violenter attraxit, dictos dominos destruere satagendo.

The Fate of *Michael de la Pool* could not work upon his Grandson *William de la Pool*, so as to make him a better Man towards the Public. For we find this *William Duke of Suffolk*, treading in his Grandfather's Steps, and so acting in his Ministry, as to pro-

voke an Accusation from the House of Commons.

The Grants out of the Crown Revenue which he had procur'd for himself, and those of his Alliance and Party, occasion'd so much popular Anger, that in the 28 Year of *Henry VI.* he drew upon himself an Impeachment, the first part of which contains Matter of High Treason; in the second part he is accus'd of divers great Offences, Misprisions, untrue Labours, and false Deceits; but we shall only take notice of those Articles which relate to our present Subject.

Rot. Parl.

28. Hen. 6.

Num. 28.

“ To the Kyng our Soverayne Lord
 “ sheweth, and with dolorous La-
 “ mentations Compleyneth youre true
 “ feithfull Subgettes and Commons be-
 “ yng in this youre present Parlement,
 “ by youre Commaundement Roial,
 “ That *William de la Pole*, Duke of
 “ *Suffolk*, hath doone, and caused to
 “ be doone, ayents youre Regalie,
 “ Honour, Estate and Prosperite of
 “ youre moost noble Persone, and the
 “ Wele of your true Subgettes of
 “ youre

“ your Reames of *England*, and
 “ *Fraunce*, your Duchies *Guyen*, and
 “ *Normandy*, and other Places under
 “ your Obeisance, divers grete Offen-
 “ ces, Misprisions, untrue Labours
 “ and fals Deceytes in Manner and
 “ Fourme ensueying.

“ First, The seid Duke the 16th Num. 29.
 “ Yere of your Reigne, then beyng
 “ next and Pryvvest of your Coun-
 “ seil, and Steward of your House-
 “ hold, then and many Yeres seth, for
 “ covetise of grete lucre of good sin-
 “ gulerly to hymself, sturred and
 “ moeved your Highness, the seid
 “ 16th Yere, Ye thenne beyng in Pro-
 “ sperite, and having grete Possessions,
 “ to yeve and graunte moche partie of
 “ your seid Possessions to divers Per-
 “ sons in your seid Reame of *Eng-*
 “ *land*, by the which ye be gretely em-
 “ poverished, the Expences of your
 “ honourable Household, and the
 “ Wages and Fees of your menyal
 “ Servants not payed, your Warde-
 “ robe, the Reparations of your Ca-
 “ stells and Manners, and your other
 “ ordinary Charges were not had sa-
 “ tisfied nor doo, and so by his sub-
 “ till

“ till Counseil, importune and unpro-
 “ fitable Labour, to youre moost High
 “ and Royal Estate, the Revenues of
 “ the Demesnes and Possessions of
 “ youre Corone, youre Duchie *Lan-*
 “ *castre*, and other youre Enheritaunces
 “ have bee so amennsed and amentyf-
 “ ed, that youre Commons of this
 “ youre Reame have bee soo ympor-
 “ tably charged that it is nygh to
 “ their fynal Distruction.

. Num. 30. “ *Item*, The seid Duke havying al-
 “ wey inordinate Covetise, hath by
 “ sotill means and sinistre Suggestions,
 “ for his especyal availle, caused
 “ you to graunt many Priviledges
 “ Fraunchises, &c.

Num. 31. “ *Item*, The seid Duke, for the sin-
 “ gular enritchyng of his Nece, and
 “ her Husbond, Son to the Capidawe,
 “ caused you to make the seid Sonne
 “ Earll of *Kendale*, to geve hym
 “ grete Possessions and Enheritaunces
 “ in *Englond*, and over that to graunte
 “ hym dyvers Castells, Lordshipps and
 “ grete Possessions in youre Duchie of
 “ *Guyen*, to the yerely value of one
 “ thousand pound and more, &c.

“ *Item*,

“ *Item*, The seid Duke, within this Num. 32.
 “ youre Reame, hath untruly Coun-
 “ seilled you to graunte fro you, with-
 “ oute due Consideration the Castell of
 “ *Mawlyon de Sool in Guyen*, &c.

The Five next following Articles re-
 late to his Transactions in Foreign
 Parts, which we omit.

“ *Item*, Whereas well full many Num. 38.
 “ Quinsitmes Dismes Subsidies of Mer-
 “ chandises and other Charges have ben
 “ graunted to you by the Commons
 “ of this youre Reame assembled in
 “ your Parlements, as Dismes and
 “ other Charges spirituel, have ben
 “ graunted to you by the Clergy of
 “ this youre Reame, for the defence
 “ and tuytion of the same, and the
 “ sauf keepyng of the Sea, the seid
 “ Duke of *Suffolk* hath caused grete
 “ partie of the Revenues herof to ben
 “ applyed to other Use and Dispen-
 “ ce, to you not Profitable; and so the
 “ defence of this your Reame, and the
 “ sauf keepyng of the Sea not hadde
 “ nor kepte, to our grete empoverish-
 “ yng and hurt of this youre Reame.

Num. 39.

“ *Item*, The seid Duke of *Suffolk*
 “ hath caused the French Queen to
 “ have of the Revenues of this your
 “ Reame, &c.

Num. 40.

“ *Item*, That where the Lord *Suede-*
 “ *ley*, late youre Treasourer of this
 “ youre Reame, the tyme of his de-
 “ partier out of his seid Office, of his
 “ grete Trough and Prudence for the
 “ defence of youre seid Reame, and
 “ support of the Charges necessarie of
 “ the same, left in your Treasourie
 “ in redy Money and sure Payment the
 “ some of 60000 *l.* of Quinsimes and
 “ Dismes, and other Revenues of this
 “ youre Reame, which Money, if it
 “ had be well dispended, and to such
 “ entent as it was left fore, in youre
 “ Tresourie, wold gretely have holpen
 “ to the Defence of the same, the grete
 “ parte of which 60000 *l.* by the La-
 “ bour and Means of the seid Duke of
 “ *Suffolk*, hath been myscheavously
 “ yeven and distribute to hymself, his
 “ Frendes, and Wele-willers: For
 “ lakke of which Treasoure noo Ar-
 “ mee nor competent Ordeinance
 “ myght be sufficiently in due tyme
 “ purveyed for thees Premisses.

“ *Item*,

“ *Item*, The seid Duke of *Suffolk*, Num. 41.
 “ by his full comberous Suyte, and
 “ fals couloured Suggestions, without
 “ eney Merite or deservyng, hath op-
 “ tained of youre Gift to hym in
 “ Estate of Enheretaunce the Erl dome
 “ of *Pembroke*, the Reversion of the
 “ Lordshippe of *Haverford West*, af-
 “ ter the Deth of Sir *Rowland Len-*
 “ *thale* with other grete Castells and
 “ Lordshipps, as well in *Englond* as in
 “ *Wales*, and dyvers grete Wards and
 “ Marriages of Heirs, and their En-
 “ heritaunces, in special of *Margerette*
 “ Doughter and Heir of *John* late
 “ Duke of *Somerfet*, by which ye
 “ have hadde over great dammage,
 “ for it wold have sufficed to a grete
 “ part of the Expense of your House-
 “ hold.

The next Article relates to his having embezzel'd several Bonds remaining in the Treasury. The next to his having embezzel'd several Writs. The next for his having procur'd an irregular Pardon for *William Tailleboys* a Debtor to the King. Which Articles being long we omit.

“ *Item*, The seid Duke conceyvyng Num. 45.
 “ himself to be with you privyest,
 “ and

" and best trusted, by full many
 " Yeres hath presumed upon hymself
 " to name to yovre Highnesse, and
 " caused to be made dyvers Persones
 " Shirreves of many youre Countees,
 " in this youre Reame, some for lu-
 " cre of good, and some to be apply-
 " able to his entent and Commande-
 " ment, to fulfyll his Desyres and
 " Wrytyngs, for such as hym lyked;
 " to thentent to enhaunce hymselfe and
 " have over grete and unsfyttyng
 " Rule in this youre Reame: Wherof
 " ensued, that they that wold not be of
 " his Affinite in their Countreys, were
 " every Matter, true or fals, that he
 " favour'd, was furthered and spedde,
 " and true Matters of such Persones as
 " had not his Favour, were hynder-
 " ed and put abakke, Perjuries ther-
 " by encreased, many of youre true
 " Lieges by his Might and help of his
 " Adherents disherited, empoverish-
 " ed and distrowed, &c.

The next Article relates to one of his Foreign Transactions.

Num. 47. " Of all which Offences, Mispri-
 " sions and untrue Labours, and false
 " Deceytes, in the seid Atticles spe-
 " cified, We youre seid Commons

" Ac-

“ Accuse and Empeche the seid Duke
 “ of *Suffolk*. And in the most hum-
 “ ble wyse besече and pray youre
 “ Highnesse, that this been enacted
 “ in this youre high Court of Par-
 “ lement. And that it may be pro-
 “ ceeded upon the Premises ayenst
 “ the seid Duke, during the same Par-
 “ lement, as the Matters and Causes
 “ foreseid requiren, in Conservation
 “ of Justice, to the singuler Comfort
 “ of all youre Leige People, youre
 “ Rightwisenesse considering that the
 “ seyde Misprisions, Fawtes and other
 “ full untrue coloured Counseils and
 “ myscheivous Dedes of the same
 “ Duke, which to reherce were over-
 “ long, and to diffuse have ben the
 “ Ground and Cause of the Subver-
 “ sion of youre Laws and Justice and
 “ Execution thereof, and to the
 “ nygh likely Destruction of this
 “ youre Reame and other Places un-
 “ der youre Obeyfaunce.

The 9th of *March* the Duke was Num. 48.
 brought from the *Tower*, where the
 Accusations and Impeachments of the
 Commons were declared to him, of
 which he desires a Copy.

The 13th of *March* the Duke was Num. 49.
 again brought before the Lords Spi-
 ritual

ritual and Temporal, where kneeling, he answer'd all the Articles of Treason by himself, and utterly denyed them.

Num. 50.

" The 14th day of *Marche* the
 " Chief Justice rehearsed to all the
 " Lords by the King's Commande-
 " ment, saying, that it is well in
 " youre Remembrance, in what wyse
 " the Duke of *Suffolk* demeaned hym
 " here yesterday, And upon that ax-
 " ed a Question, What Advyse the
 " Lords wold yeve to the Kyng,
 " what is nowe to do furthermore in
 " the matier, which Advyse was de-
 " ferred unto *Monday* then next com-
 " yng, on the which *Monday* was
 " noothyng doone in that matier.

Num. 51.

" *Memorandum*, That on *Tuesday*
 " the 17th day of *Marche* the Kyng
 " sent for all his Lords both Spirituell
 " and Temporell then beyng in
 " Towne [then the Lords present are
 " recited] into his inneft Chamber,
 " with a Gabill Windowe, over a
 " Cloyster, within his Paleys of *West-*
 " *minster*, and whenn they were all
 " assembled, the Kyng sent for the
 " Duke of *Suffolk*, the which Duke,
 " whenn he came into the Kynges
 " Presence, he kneeled down, and so
 " he

“ he kneeled continuely stille, unto
“ the tyme the Chauncellour of *Eng-*
“ *lond* had seid to hym the Kyngs
“ Commandement, in Fourme that
“ followeth.

“ Sire ye be well remembred, when
“ ye were last in the Kynges Pre-
“ sence and his Lords, of youre An-
“ swers and Declarations upon certeyn
“ Articles touching Acculations and
“ Impechements of grete and horri-
“ ble thyngs put upon you by the
“ Commons of the Lond assembled in
“ this present Parlement, in ther first
“ Bill presented by theym to the
“ Kyngs Highnesse, and how at that
“ time ye putte you not uppon youre
“ Parage. What wold ye sey nowe
“ further more in that matier?

“ And the seid Duke answer'd and
“ seid, they were too horrible to speke
“ more of theym, and seid openly to
“ the Kyng, and all the Lordes, that
“ all the Articles comprehended in the
“ seid Bille touchyng the Kyngs high
“ Persone and thastate of his Royalme,
“ he trusteth to God he hath an-
“ swered hem sufficiently for he hath
“ denyed the Dayes, the Yeres, the
“ Places, and the Communications
“ hadd, which were never thought
“ nor

" nor wrought; seying utterly they
 " ben fals, and untrue and in manner
 " impossible, for he seid soo grete
 " thyngs coud not be done nor
 " brought aboute by hymself alone,
 " onlesse that other Persones had doon
 " her partie, and be privy therto, as
 " well as he, and he toke his Soule
 " to perpetuel Damnation yf ever he
 " knew more of thoo Maters than
 " the Childe in the Moders Wombe.
 " And soo he not departyng from his
 " seid Answers and Declaration, sub-
 " mytted hym hooly to the Kynges
 " Rule and Governance, to doo with
 " hym as hym list, wheruppon the
 " seid Chaunceller by the Kynges
 " Commaundement seid unto hym
 " ageyne in this Fourme.

" Sire y conceive you that ye not
 " departyng from youre Answers and
 " Declarations in the Matters afore-
 " seyd, not puttyng you uppon youre
 " Parage, submitte you hooly to the
 " Kynges Rule and Governauce.

" Wherefore the Kyng command-
 " eth me to sey you, that as touch-
 " yng the grete and horrible thynges
 " in the seid first Bille comprised, the
 " Kyng holdeth you nether declared
 " nor charged.

" And

“ on the sudden, he could not govern
 “ himself in the Change: But Prospe-
 “ rity laid open the secret Faults of his
 “ Mind, which were suppress’d and
 “ choaked before. *Thomas of Walsingham*
calls him Michael Atte Pole, and
says he was convicted in Parliament of
*notorious Frauds, * Convicerant eum* * *Walsing.*
nempe de multis Fraudibus, et quibusdam *P. 324.*
proditionibus in Regem, quos nequaquam *Num. 10.*
inficiari nequibat, unde et cum responsis
astaret, et objecta negare nequibat, Rex
pro ipso verecundatus et rubore suffusus,
caput agitans, heu! heu! inquit Michael,
vide quid fecisti. But as soon as the Par-
 liament was up, the King took him into
 greater Favour than before. But the
 Weight of a Parliament will at last
 bear down a bad Minister, so that *de la*
Pool durst not stand the next Sessions,
 but fled to *France* where he died in Exile.
 But take from *Walsingham* the Character
 of this Chancellor, with the Account of
 his Death. * *Hac Æstata perfidia prom-* * *Ibid.*
ptuarium; Sentina Avaritiæ, Auriga Pro- *P. 339.*
ditionis, Archa Malitiæ, Odii Seminator,
Mendacii Fabricator, susurro nequissimus,
dolo præstantissimus, artificiosus detractor,
Patriæ delator, Michael Atte Pole, quon-
dam Comes Southfolchiæ Regnique Cancel-
larius

" nor wrought; seying utterly they
 " ben fals, and untrue and in manner
 " impossible, for he seid soo grete
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 " brought aboute by hymself alone,
 " onlesse that other Persones had doon.
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 " mytted hym hooly to the Kynges
 " Rule and Governance, to doo with
 " hym as hym list, wheruppon the
 " seid Chaunceller by the Kynges
 " Commaundement seid unto hym
 " ageyne in this Fourme.

" Sire y conceyve you that ye not
 " departyng from youre Answers and
 " Declarations in the Matters afore-
 " feyd, not puttyng you uppon youre
 " Parage, submitte you hooly to the
 " Kynges Rule and Governauce.

" Wherefore the Kyng command-
 " eth me to sey you, that as touch-
 " yng the grete and horrible thynges
 " in the seid first Bille comprised, the
 " Kyng holdeth you nether declared
 " nor charged.

" And

“ And as touchyng the second Bille,
 “ putte ayenst you touchyng Misprysons
 “ which be not Crymynal, the Kyng by
 “ force of youre Submission, by his owne
 “ Advyse, and not reporting hym to
 “ thadvyse of his Lordes, nor by wey of
 “ Judgment, for he is not in place of
 “ Judgment, putteth you to his Rule and
 “ Governauce, That is to say that ye,
 “ before the first day of *May* next com-
 “ yng, shall absent your self out of his
 “ Reame of *Englond*. And also from the
 “ seid first Day of *May* unto the end of
 “ five Years next following, and fully
 “ complete, ye shall absteyne to abyde in
 “ the Reame of *Fraunce*, or in eny other
 “ Lordshippes or Places beyng under his
 “ Obeysaunce whersoever they be. And
 “ that ye shull not shewe nor wayte nor
 “ no Man for you, as far forth as ye may
 “ lette it, no malice evil will, harne ne
 “ hurte to eny Persone of what degree
 “ he be of, or to eny of the Commons
 “ of this Parlement, in noe manner of
 “ wyse, for eny thing doon to you in
 “ this seid Parlement or elles where.

“ And forthwith the Viscount *Bea-*
 “ *mount*, on the behalf of the seid Lordes
 “ both Spirituels and Temporelx, and by
 “ their Advyse Assent and Desire recited
 “ seid and declared to the Kyngs High-
 A a nelse,

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“ nelse, that this that was so decreed and
 “ doon by his Excellence, concerning
 “ the persone of the seid Duke, proceeded
 “ not by theyre Advyse and Counseil,
 “ but was doon by the Kyngs own de-
 “ meanaunce and rule, wherefore they be-
 “ sought the Kyng that this their seiying
 “ myght be enacted in the Parlement
 “ Rolle, for theyr more declaration here-
 “ after with this Protestation, that it
 “ should not be nor tourn in prejudice nor
 “ derogation of theym, theyr Heyrs ne
 “ of theyr Successors in tyme comyng,
 “ but they may have and enjoy theyre
 “ Lybertee and Freedome in case of theyr
 “ Parage hereafter, as freely and as largely
 “ as ever they or eny of theyre Aun-
 “ cestors or Pedecessors had and enjoyed
 “ before this tyme.

Thus *William de la Pool*, Duke of *Sus-*
folk, the Kings Favourite, and the Queens
 Minion, was impeach'd by the Commons,
 and banish'd by the Regal Authority.
Grafton speaking of him, says, “ He was
 “ notorious for enrychyng Hymself with
 “ the Kinges Goods and Lands, gather-
 “ ing together and making a Monopoly
 “ of Offices, Fees, Wards and Ferms, by
 “ reason whereof the Kyngs Estate was
 “ greatly mynished and decayed, and he
 “ and his Kin highly exalted and enrich-
 “ ed. “ Be-

Graft.
Chron.
 p. 609.

Besides the same Author says, He had ^{Ibid. p. 610.} dipp'd his hands in Blood, having been a chief Instrument in contriving the Murther of *Humphrey Duke of Gloster*. But Sanguinary Men seldom escape unpunish'd, for this Duke of *Suffolk* had his own Head struck off upon the side of a Cock-boat by a Servant belonging to the Duke of *Exeter*.

Sir Robert Cotton cites an Old Author, ^{Cot. Post. p. 280. In} who gives an admirable Description of those Times. " He says, I will tell you ^{his Speech to the House of Commons.} " what I found since this Assembly at *Oxford*, written by a Reverend Man twice Vice Chancellor of this Place: his Name was *Gascoin*; a Man that saw the Tragedy of *De la Pool*: He tells you, that the Revenues of the Crown were so rent away by ill Council, that the King was enforced to live *de Tallagiis Populi*: That the King was grown in debt *quinque centena millia librarum*: That his great Favourite, in treating of a foreign Marriage, had lost his Master a foreign Duchy. That to work his Ends, he had caus'd the King to adjourn his Parliament *In villis & remotis partibus Regni*, where few People, *propter defectum hospitii & victualium*, could attend, and by shifting that Assembly from place to place, to inforce

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“ (I will use the Authors Words) *illos pan-*
 “ *cas qui remanebant de Communitate Reg-*
 “ *ni, concedere Regi quamvis pessima.* When
 “ the Parliament endeavour'd by an Act of
 “ Resumption, the just and frequent way
 “ to repair the languishing State of the
 “ Crown (for all from *Hen. 3.* but one,
 “ till the 6 of *Hen. 8.* have used it) this
 “ great Man told the King it was *Ad de-*
 “ *decus Regis*, and forced him from it: To
 “ which the Commons answer'd, although
 “ *Vexati laboribus & Expensis, quod nun-*
 “ *quam concederent Taxam Regi,* until by
 “ Authority of Parliament, *Resumeret*
 “ *actualiter omnia pertinentia Coronæ Ang-*
 “ *liæ.* And that it was *Magis ad dedecus*
 “ *Regis,* to leave so many poor Men in
 “ intollerable want, to whom the King
 “ stood indebted. Yet could not all good
 “ Council work, until by Parliament that
 “ bad Great Man was banish'd, which
 “ was no sooner done, but an Act of Re-
 “ sumption followed the Inrollment of
 “ the Act of his Exilement.

Sir Robert Cotton, that learned Anti-
 qary, is so intirely in the Right in this
 Assertion, that whoever looks over the
 Records will find, that there is not so
 much as a line interposed between the
 Proceedings against the Duke of Suffolk,
 and the Act of Resumption, so quickly they
 followed

followed one another: **Which ought to be a perpetual Notice and Lesson to Posterity, that when the People of England desire an Act of Resumption, the Work must begin with Impeaching Corrupt Ministers.**

We have hitherto produc'd Impeachments of elder Times, which perhaps the Persons concern'd in point of Interest, will call old musty Records; We shall therefore now proceed to show some Presidents of a latter date.

As our Ancestors held it a Crime for Men to procure to themselves Offices above their Capacity, and Gifts and Grants from the Crown beyond their Deserts, so in this latter Age the House of Commons have thought the like Proceedings not for the King's Honour, and dangerous to the Publick.

It was an Article against the Duke of *Buckingham*, that he had such a Multiplicity of High Offices in the State, as no one Person could well and truly discharge. *2 Car. I.*

That for his own particular Gain he had sold Patents to be Peers of *England*, to the prejudice of the Gentry, and dishonour of the Nobility of this Kingdom.

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That besides his great Employments, and the Profits thereunto belonging, which might have satisfy'd any moderate Ambition, he had procur'd to himself several Grants of the Crown Revenue, amounting to a high Value.

But that the Reader may have this matter of Impeachments more fully before him, we shall here incert the three Articles which have reference to our present Subject, tho they are already publish'd in *Rushworth*.

Rush. Coll.
1 vol. p. 306.

Art. I. "That whereas the Great Offices,
" expressed in the said Duke's Stile and Title, heretofore have been the singular
" Preferments of several Persons, eminent
" in Wisdom and Trust, and fully able for
" the weighty Service, and greatest Employ-
" ments of the State, whereby the said Offices were both carefully and sufficiently
" executed by several Persons of such Wisdom, Trust, and Ability: And others also
" that were employ'd by the Royal Progenitors of our Sovereign Lord the King
" in Places of less Dignity, were much encouraged with the hopes of Advancement.
" And whereas divers of the said Places
" severally of themselves, and necessarily
" require the whole care, industry, and attendance of a most provident, and most
" able Person: He the said Duke, being
" young and unexperient'd, hath, of late
" Years,

“ Years, with exorbitant Ambition, and for
 “ his own profit and advantage, procured
 “ and ingrossed into his own Hands the
 “ said several Offices, both to the danger
 “ of the State, the prejudice of that Service
 “ which should have been performed in
 “ them, and to the great discouragement
 “ of others; who by this his procuring and
 “ ingrossing of the said Offices, are preclu-
 “ ded from such Hopes, as their Vertues,
 “ Abilities and Publick Employments,
 “ might otherwise have given them.

Art. IX. “ Whereas the Titles of Ho- P. 334
 “ nour of this Kingdom of *England* were
 “ wont to be conferred as great Rewards,
 “ upon such virtuous and industrious Per-
 “ sons as had merited them by their faith-
 “ ful Service; the said Duke, by his im-
 “ portunate and subtle Proctrement, had
 “ not only perverted that ancient and most
 “ honourable way, but also unduly, for his
 “ own particular Gain, he hath enforced
 “ some that were rich (though unwil-
 “ ling) to purchase Honour: as, the Lord
 “ R. Baron of T. who, by practice of the
 “ said Duke and his Agents, was drawn
 “ up to *London*, in or about *October*, in
 “ the Two and twentieth Year of the
 “ Reign of the late King *James* of famous
 “ Memory, and there so threatned and
 “ dealt withal, that by reason thereof he
 “ yielded

“ yielded to give, and accordingly did
 “ pay the sum of Ten thousand pounds
 “ to the said Duke, and to his use : For
 “ which said Summ, the said Duke, in the
 “ Month *January*, in the Two and twen-
 “ tieth Year of the said late King, procu-
 “ red the Title of Baron R. of T. to the
 “ said Lord R. In which practice, as the
 “ said Lord R. was much wronged in this
 “ particular, so the example thereof ten-
 “ deth to the prejudice of the Gentry,
 “ and dishonour of the Nobility of this
 “ Kingdom.

P. 340.

Art. XII. “ He the said Duke not
 “ contented with the great Advancement
 “ formerly received from the late King,
 “ of famous Memory, by his procurement
 “ and Practice, in the fourteenth Year of
 “ the said King, for the support of the
 “ many Places, Honours, and Dignities
 “ conferred on him, did obtain a Grant
 “ of divers Mannors, Parcel of the Re-
 “ venue of the Crown, and of the Duchy
 “ of *Lancaster*, to the yearly value of One
 “ thousand six hundred ninety seven
 “ pounds two shillings half-penny far-
 “ thing of the old Rent, with all Woods,
 “ Timber, Trees, and Advowson ; part
 “ whereof amounting to the Summ of Se-
 “ ven hundred forty seven pounds thir-
 “ teen Shillings and four Pence, was rated
 “ at

“ at Two and thirty thousand Pounds,
“ but in truth of a far greater Value. And
“ likewise in the Sixteenth Year of the
“ same Kings Reign, did procure divers
“ others Mannors annexed to the Crown
“ of the yearly value, at the old Rent, of
“ Twelve hundred Pounds or thereabouts,
“ according as in a Schedule hereunto an-
“ nexed appeareth: In the Warrant for
“ passing of which Lands he, by his great
“ Favour procured divers unusual Clauses
“ to be inserted, (*viz.*) That no Perqui-
“ sites of Courts should be valued, and
“ that all Bailiffs Fees should be reprised in
“ the Particulars upon which those Lands
“ were rated; whereby a Precedent hath
“ been introduced, which all those who,
“ since that time, have obtained any Lands
“ from the Crown, have pursued to the
“ damage of his late Majesty, and of our
“ Sovereign Lord the King that now is,
“ to an exceeding great Value. And af-
“ terwards he surrendered to his said Ma-
“ jesty divers Mannors and Lands, parcel
“ of those Lands formerly granted unto
“ him, to the Value of Seven hundred
“ twenty three Pounds eighteen Shillings
“ and two Pence Half-penny *per annum*; in
“ consideration of which surrender, he
“ procured divers other Lands of the said
“ late King to be sold and contracted for,
“ by

“ by his own Servants and Agents, and
“ thereupon hath obtained Grants of the
“ same, to pass from his late Majesty, to
“ several Persons of this Kingdom, and
“ hath caused Tallies to be stricken for the
“ Money, being the Consideration mentioned in those Grants in the Receipt of
“ the Exchequer, as if any such Moneys
“ had really come to his Majesties Coffer; whereas the Duke (or some other by his
“ Appointment) hath indeed received the
“ same Summs, and expended them upon
“ his own Occasions. And notwithstanding the great and inestimable Gain by
“ him made by the sale of Offices, Honours, and by other Suits by him obtained from his Majesty, and for the
“ countenancing of divers Projects, and
“ other Courses, burthensome to his Majesty’s Realms, both of *England* and
“ *Ireland*; the said Duke hath likewise,
“ by his procurement and practice, received into his hands, and disbursed to
“ his own use, exceeding great Summs, that were the Moneys of the late King
“ of famous memory, as appeareth also in the said Schedule hereunto annexed:
“ And the better to colour his doings in that behalf, hath obtained several Privy-Seals from his late Majesty, and his
“ Majesty that now is, warranting the
Payment

“ Payment of great Sums to Persons by
“ him named, causing it to be recited in
“ such Privy-Seals, as if those Sums were
“ directed for secret Services concerning
“ the State, which were notwithstanding
“ disposed of to his own use ; and other
“ Privy-Seals by him have been procured
“ for the discharge of those Persons with-
“ out Accompt ; and by the like fraud
“ and practise, under colour of free Gifts
“ from his Majesty, he hath gotten into his
“ hands great Sums which were intended
“ by his Majesty, to be disbursed for the
“ preparing, furnishing and victualling of
“ his Royal Navy ; by which secret and
“ colourable devices the constant and or-
“ dinary course of the Exchequer hath
“ been broken, there being no means by
“ matter of Record to charge either the
“ Treasurer or Victualler of the Navy with
“ those Sums which ought to have come
“ to their hands, and to be accompted for
“ to his Majesty ; and such a Confusion
“ and Mixture hath been made between
“ the Kings Estates and the Dukes as can-
“ not be cleared by the legal Entries and
“ Records, which ought to be truly and
“ faithfully made, and kept, both for the
“ safety of his Majesty's Treasure, and for
“ the indemnity of his Officers, and Sub-
“ jects whom it doth concern. And also
“ in

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“ in the Sixteenth Year of the said King,
 “ and in the Twentieth Year of the said
 “ King, he did procure to himself several
 “ Releases from the said King of divers
 “ great Sums of Money of the said
 “ King by him privately received, and
 “ which he procur’d, that he might detain
 “ the same for the Support of his
 “ Places, Honours, and Dignities. And
 “ these things, and divers others of the
 “ like kind, as appeareth in the Schedule
 “ annexed, hath he done, to the exceeding
 “ diminution of the Revenue of the
 “ Crown, and in deceit both of our Sovereign
 “ Lord the King that now is, and
 “ of the late King *James* of famous Memory,
 “ and to the Detriment of the
 “ whole Kingdom.

The Duke escaped this Storm by the sudden Dissolution, which was chiefly to save him; however, in the next Parliament, 4 *Car.* 1. he was again attacked as freshly as before, which again he had Interest enough to get dissolv’d; but had he liv’d to see another, he must undoubtedly have sunk under the just Anger of the House of Commons.

For the People of *England* have never patiently born to see immoderate Wealth, Power and Honours, with variety of Great Offices, conferr’d upon any single Person.

Hardly

Hardly any Favourite had Nobler Qualities than this great Man: He was Beautiful in his Person, Magnificent in his Nature, and not without either Heart or Understanding. Many People had tasted of his Private Liberalities; He would hunt out for Persons of Merit, and bring 'em from their most secret Retirements, into Business. He was rough only to his Enemies, but most earnest and ready to oblige his Friends; He would often get for others what he might conveniently have kept for himself; He governed not only his Domestic Affairs, but his Transactions in the State, by the Advice of a select number of Friends, all able Men, but not engaged in Publick Matters, whom he retain'd in his Service by Pensions out of his own Purse. And yet, thus qualify'd as he was, it was not thought reasonable in Parliament, that so high Honours, so much Wealth and Power, and such a multiplicity of Employments, should be conferr'd upon so young a Man.

If such a one could not stand before the People, much less will they, in any future Reign, bear to see Men with the like Wealth, pour'd upon 'em, and in the like Station of Power and Favour, who have none of his Qualifications, who are contemptible in their Figures, who make no
Expence

Expenditure but what tends to their private Luxury, of whose Bounty no one ever tasted, who bar the Court Gates to any Merit, who never did any kind Office, who make a sale of all Employments, who creep to their Enemies and slight their Friends, who never did good but for themselves, or to here and there an humble Flatterer, and who never, in their Transactions for the State, govern themselves by the Advice of grave Friends, but act all things upon their own giddy Heads, ever drown'd in Wine, or heated by Debauches.

*Journal of
the House of
Commons.*

But to return to our present Matter. *Mar-tis die 24 Nov. 1640.* There were Reported eight Articles in maintenance of the Commons Accusation against the Earl of *Strafford*, which were agreed upon the day following, and of which the third Article is, " That the better to enrich and enable
" himself to go through with his Traite-
" rous Designs, he hath detained a great
" Part of his Majesty's Revenue, without
" giving Legal Account ; and hath taken
" great Sums out of the Exchequer,
" converting them to his own use, when
" his Majesty wanted Money for his own
" Urgent Occasions, and his Army had
" been a long time unpaid.

In

In the Heads of the Accufation againſt the Earl of *Clarendon*, reported by Sir *Thomas Littleton*, *Wednesday, 6 Nov. 1667.* one of the Articles was :

Art. 8. “ That he hath in a ſhort time
 “ gained to himſelf a greater Eſtate than
 “ can be imagined to be gained lawfully in
 “ ſo ſhort a time ; and, contrary to his
 “ Oath, hath procured ſeveral Grants under the Great Seal from His Maſteſty to
 “ himſelf and Relations, of ſeveral of his
 “ Maſteſty's Lands, Hereditaments and Leaſes, to the Diſprofit of his Maſteſty.

*Journal of
 the Houſe of
 Commons.*

We all know the Impeachment againſt that Noble Earl, was rather a Court-Deſign, than carried on by good Patriots. The Zeal he had ſhown for the Laws of his Country had ſtirr'd him up ſome Enemies: And becauſe he would not make a Difference between the King and Duke of *York*, he choſe to retire, which Retirement was follow'd by an Act to baniſh him: But had he ſtaid, and ſtood his Trial, no doubt he had juſtified himſelf in this and in the other Articles. For upon Enquiry, the Writer of theſe Papers is inform'd, that he had not procured any Grant of the Crown Demeaſnes : And as to *Clarendon Park*, now in the Family, and which was Crown-Land, that he bought it at the full Value

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lue, of the Old Duke of *Albemarl*, who had begg'd it of the King. But if he had received any Gift of Forfeited Estates, or in Money, his long services and sufferings, and his having been a Companion in his Master's Exile, might very well deserve any such sort of Bounty.

*Journal of
the House of
Commons.*

“ *Jovis 15 die Jan. 1673.* Articles of
“ Treasonable and other Crimes of high
“ Misdemeanor against the Earl of *Arling-*
“ *ton*, Principal Secretary of State, being
“ open'd, were presented to the House,
“ and read. The Articles containing mat-
ter of Treason were seven. It was further
open'd, That the said Earl had been guilty
of many undue Practices to promote his
own Greatness, and had embezzel'd and
wasted the Treasure of this Nation.

Art. 1. “ By procuring vast and Exor-
“ bitant Grants for himself both in *Eng-*
“ *land* and *Ireland*, breaking into the
“ Settlement of that Kingdom, and dis-
“ possessing several *English* Adventurers and
“ Soldiers of their Properties and Free-
“ holds, in which they were duly and
“ legally stated, without any Colour of
“ Reason or suggestion of Right.

Art. 2. “ By charging excessive and al-
“ most incredible Sums for false and de-
“ ceitful Intelligence.

Art. 3.

Art. 3. " By procuring His Majesties
 " Hand for the giving away between his
 " first Entrance into his Office, the Value
 " of Three Millions of Sterling Money,
 " at the least, the several Grants whereof
 " are extent, countersigned by him, and
 " by him only.

" *Muris 20 die Jan, 1673.* The House
 " resumed the adjourn'd Debate, concern-
 " ing the Lord *Arlington*. The Question
 " being put, That an Address be presented
 " to His Majesty to remove the Earl of *Ar-*
 " *lington* from all his Employments, that
 " are held, during his Majesty's Pleasure,
 " and from His Majesty's Presence and
 " Council for ever. It pass'd in the *Nega-*
 " *tive* by 39 Voices.

" *Resolved*, That a Committee be ap-
 " pointed to consider of the Articles against
 " the Earl of *Arlington*, and to report
 " what matter is therein contained, and
 " can be prov'd, that is fit for an Impeach-
 " ment, Committed to Mr. *Couch*, &c.

Memorandum, The Committee never
 made their Report; for the 24th of *March*
 the Parliament was Prorogued to the 10th
 of *November*, 1674, and so the Matter
 fell.

*Journal of
the House of
Commons.*

Lune 26 die Apr. 1675. " A Charge or
" Impeachment against *Thomas* Earl of
" *Danby*, Lord High-Treasurer of *Eng-*
" *land*, containing several Offences, Crimes,
" and Misdemeanors, of a very high Na-
" ture, being presented and opened to
" the House, and afterwards brought in
" and delivered at the Clerk's Table, and
" read.

Art. 6. " That the said Earl hath procured
" great Gifts and Grants from the Crown,
" whilst under great Debts, by Warrants
" counter-signed by himself.

" The 2d. Article of the Impeachment
" being read, and the Matter thereof deba-
" ted, *Resolved*, That before the House do
" proceed farther in the Debate of this
" Article, they will hear the Witnesses.
" The Witnesses were heard; then the
" House Adjourn'd.

Lune 3 die Maii, 1675. " The House
" then proceeded in the farther Considera-
" tion of the Articles against the Lord-
" Treasurer. And 3d. 4th. 5th. 6th. and
" 7th. Articles being read, and the Question
" being severally put, Whether any fit
" Matter doth appear in the Examination
" of those Articles, to impeach the Lord-
" Treasurer? It pass'd in the Negative.

Sabbati 21 die Decemb. 1678. “Articles Journal of the House of Commons.
 “ of Impeachment of High Treason, and
 “ other High Crimes, Misdemeanors, and
 “ Offences, against *Thomas Earl of Danby,*
 “ Lord High-Treasurer of *England,* were
 “ delivered from the Committee.

Art. 5. That he hath wasted the King’s
 “ Treasure, by issuing out of His Majesty’s
 “ Exchequer, and several Branches of his
 “ Revenue, divers great Sums of Money
 “ for unnecessary Pensions, and secret Ser-
 “ vices, to the Value of 231602 *l.* within
 “ Two Years: And thus he hath wholly
 “ diverted out of the known Method and
 “ Government of the Exchequer, one
 “ whole Branch of His Majesty’s Revenue
 “ to private Uses, without any Account to
 “ be made thereof in the Exchequer, con-
 “ trary to the express Act of Parliament
 “ which granted the same. And he hath
 “ removed two of His Majesty’s Commis-
 “ sioners of that part of the Revenue, for
 “ refusing to consent to such his unwarrant-
 “ able Actings, and to advance Money up-
 “ on that part of the Revenue for private
 “ Uses.

Art. 6. “ That he hath by indirect
 “ Means procur’d from His Majesty for
 “ himself divers Considerable Gifts and
 “ Grants

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“ Grants of Inheritance of the Ancient
 “ Revenue of the Crown, even contrary
 “ to Acts of Parliament.

“ *Ordered*, That the Articles of Im-
 “ peachment against the Lord High-Trea-
 “ surer be Engrossed, and that Sir *Henry*
 “ *Capel* do carry them up to the Lords on
 “ *Monday* Morning next.

We have cited these two Presidents, re-
 lating to the Earl of *Danby*, to shew, when
 the old Whigs were in the supreme Per-
 fection of their Virtue, and Publick Zeal,
 That they then thought it a high Crime
 and Misdemeanor, **For a Minister to
 Procure to himself Grants out
 of the King's Revenue.**

By the Authorities and Presidents we
 have quoted, it appears manifestly, that
 our Ancestors have, from the first Insti-
 tution of this Government, very highly
 resented such Proceedings.

But here it may be asked how a Statef-
 man is to behave himself when the Prince
 is inclin'd to Liberality, and overborn with
 Importunities to give away what should
 subsist Him and the State? To which we
 answer, That the Lord Chancellor's Oath
 plainly

plainly directs the Minister in his Duty, *Ye shall neither know nor suffer the King's Hurt, nor his Disberiting, nor that the Rights of the Crown be distressed by any Means, as far forth as ye may let it: And if ye may not let it, ye shall make Knowledge thereof clearly and expresse to the King, with your True Advice and Council.* By which Words, without doubt, the Law must mean, (and the Chancellor's Oath is part of our Law and Constitution,) That this high Officer is to oppose with all his Power and Interest what he sees tending to the King and Kingdom's Prejudice; and if he finds a great Number of Grants passing, the Law intends, by binding him with such an Oath, That he should from time to time represent to the King his Debts, the Taxes, and Necessities of the Nation. But suppose, that notwithstanding this Representation, the Prince will have the Grant to proceed, how is the Minister to act in such a Case? Without doubt he is then to consider this Maxim of our Law, That the King can do hurt, and that the Minister only is accountable for any Male-Administation.

He is to contemplate what high Officers in the State have been impeached upon the like Account, and without all Controversie he is rather to leave the Court, and quit his Employment, than to do a thing which cannot be justified by the Laws and Constitution of this Kingdom.

* Daniel.
P. 134.

* *Simon Normannus*, Keeper of the Great Seal under *Henry III.* and *Jeffery* his Brother, both Knights-Templars, and Men in great Power, suffer'd themselves to be turn'd out of their Employment, rather than to pass a Grant from the King, of Four Pence upon every Sack of Wool, to *Thomas* Earl of *Flanders*, the King's Uncle. † *Matthew Paris*, speaking of these two Brothers being put from Court, says, *Seminarium & Causa præcipua fuit hujus Iræ Regiæ, quod idem Simon noluit consignare quoddam detestabile Scriptum, contra Coronam Domini Regis confectum. Cujus Tenor talis fuit, ut Comes Flandriæ Thomas perciperet de quolibet sacco Lanæ delatæ ab Anglia per partes suas, Telonium: Scilicet de quolibet sacco quatuor denariorum. Nec Galfridus Templarius huic enormi factò consensit, licet Rex ad hoc avide nimis anhelaverit.*

'Tis

'Tis true, Men are very unwilling to quit Great Employments, attended with much Wealth and High Honours; and the common Excuse of such as comply more than they ought, is, That others will be readily found to do the same thing: So that they shall prejudice themselves without any Advantage to the Publick. Nay, they often pretend to remain at Court only to prevent greater and farther Mischiefs.

Suppose then this to be the Case, and that the Tide runs so strongly one way that no single Minister in his Station is able to stem it, and that the Prince will divest himself of his Revenues, notwithstanding he is otherwise advis'd, what does the Constitution of this Kingdom require from a Lord Chancellor, a Lord Treasurer, Lord Privy-Seal, and the Secretary of State, when such Measures are taken? What Proofs will clear them before the whole World, that they are no ways consenting to such Proceedings, and that things are carried by an irresistible Strength against that Council they would be thought to give?

Without doubt they stand justified before a Parliament, and in the Opinions of the People, if they give manifest Evidence that their own Hands are clean, and

that they do not at all participate in the Depredations that are made upon the Publick: If they have ask'd nothing for themselves, 'tis a sign they did not promote Grants; for he who ventures to wrong the King, will rather do it for his own Gain than for the Advantage of another: Therefore a total Self-denial in the Minister is a great Mark of Innocence.

If they were seen to have as large a share in the Plunder as any others; if the King's best Lands and Mannors were found in their hands; or, which is worse, if they had devour'd all the Flesh themselves, and left to others only the Bones to pick; if, while the Publick was poor, they had procur'd to themselves outrageous Gifts of Money, as they are call'd in the Records; if it was known that they had procur'd immoderate Releases for Money, (now they term 'em Privy-Seals,) and that in an unwarrantable manner: Our Ancestors look'd no farther, but took the Ministers to be guilty, and presum'd, that they, singly, for their own Gain and Profit, had incited the Prince to Liberalities inconsistent with the Welfare of his Crown and Government; and thereupon our Forefathers grounded the Impeachments we have mention'd in this Section.

We do not find in the Records, (except in the Lady *Vespie's* Case,) that the Anger of Parliaments was provoked against the Common Herd of Courtiers, who in all Ages have raked from the Prince whatsoever they could: But the Sword of the Legislature was directed against their Heads, who being Ministers of State, in his Privy Council, bound up by Oaths, (*Astricts per leur serments*;) and having Offices attended with large Sallaries and Profits, did nevertheless, with insatiable Avarice and Ambition, and without any Consideration of the Publick Wants and Miseries, rob the Crown of all they could, by a Practice as foul in it self, as it was fatal in its Example: For in these Cases, the Law has only an Eye to those who are intrusted, and expects the Town should not be sold, surrender'd, or betray'd by the very Centinels who are set to watch the Gates.

Perhaps these Great Men alledged in their Excuse, That none will serve a Court without Rewards: But our Ancestors thought the Appointments belonging to their Offices a sufficient Recompence; and that Government grows very costly, when Ministers must go away with Ten thousand Pounds *per Annum* Estate, for Five or Six Years Service. Nor did our Fore-fathers think

Ministers Impeached

think it Reasonable, that out of the Substance of the Commons of *England* there should be built up every Year Three or Four New and Wealthy Families.

'Tis true indeed, the *Ranulphs*, the *De la Pools*, the *Beurlees*, and the *Buckinghams*, of former Ages, might very well expect all they got, or could get, if every Day they were making bold Steps, by which they ran a Hazard of their Necks. But in Times when the Laws govern, and when extraordinary things are neither expected by the Prince, nor suffer'd by the People, Ministers for their Service ought to be contented with a moderate Reward.

'Tis probable likewise, that when they begg'd those large Grants of former Kings, (for which they were impeached,) they suggested to 'em what immense Summs of Money they had got granted for them by the Commons. But if the true Necessities of the State requir'd it, the Gifts would have proceeded without their urging. Nor do we find that *Hubert*, Archbishop of *Canterbury*, a good and faithful Servant, got, or was impeach'd for getting Grants, tho' he had obtain'd Eleven hundred thousand Marks for the Redemption of King *Richard*. Besides, our Ancestors never thought that procuring Money from
the

the People ought to commute for robbing the Prince, well-knowing that to be true which my Lord *Vernham* has since observ'd, that these Men, so dextrous at finding out Projects, and at inventing new Taxes,

* "Prey upon the People like tame Hawks
"for their Master, and like wild Hawks
"for themselves.

* *Life*
Henry VII.
p. 210.

Our Fore-fathers had good Reason to animadvert upon these Proceedings; for nothing more tends to corrupt a Country than the easie way of getting Wealth by the Profusion of a Court. It makes Men abandon the Thoughts of raising themselves by Virtue and Merit, and reduces a Nation to the State of which Mr. *Pym* speaks, when he says, "There are but
"few now that apply themselves either to
"do well, or to deserve well; finding
"Flattery and Compliance to be the easier
"way to attain their Ends and Expecta-
"tions.

But the Advocates for Male-Administration, and they who give a fair Colour to Corruptions of this Nature, will perhaps urge, that generally the Heirs of such as here are mentioned to have been attainted for these Crimes, have been restor'd in Blood. We grant the Fact to be so; but this is no Argument that they were wrong-fully

fully accus'd or condemn'd. Perhaps, to make the Punishment extend beyond the Person of the Criminal, is wrong in our Constitution; and that all Restitutions in Blood whatsoever ought to be favour'd: But Families have been restor'd, whose Parents no Man will pretend to justify.

* Rot. Parl.
2. Hen. V.
Num. 19.

* *Hamond Belknap* was enabled in Blood, 2. Hen. V. and the Family was afterwards fully restor'd, 6 Hen. VIII. And yet no *English* Man will offer to say, that *Belknap* did not deserve his Death. The Attaindures shew'd the severe Justice of our Ancestors; and the Restitutions that came afterwards, are Signs only, that we are born in a Country where the People are well natur'd, and who cannot long entertain angry and revengeful Thoughts, but where Lenity has encourag'd many Persons more boldly to enterprize against the Publick.

Thus far as to what has been done in these Matters. But before we conclude this Section, we shall observe, That other Countries as well as *England* have relieved the Affairs of the Prince by Resumptions, for which *Grotius* cites several Authorities.

† *Grotius*
de Jure
Belli ac Pa-
cis, L. 2.
Annot. ad
Cap. 14.

† *Donata etiam ab Emptoribus repetit Gal-
ba, relicta decima.* Tacit. Hist. 1. *Pertinax
etiam a liberis ea exegit quæ sub specie vendi-
tionis Commodo Principe lucrificerant.*

Basilus

lius Macedo Imperator repetiit quæ Michael Imperator elargitus fuerat. Zonaras de eo: Communi consensu placuit, ut qui pecunias nulla probabili ex causa accepissent, partim totas, partim dimidium redderent. Vide eundem Haacio Comneno de donationibus Ludovici XI. vide Serranum Carolo VIII. de ejusdem donationibus, etiam quæ Ecclesiis factæ, non servatis, Philippum Comnæum lib. ix. Marianam vero de donationibus quas Arragoniæ Rex Ramirus fecerat, rescissis lib. x. cap. xvi. de Isabellæ donationibus rescissis per ipsam xxvii. cap. ii.

The same has been done in Scotland :
 † James the 1st. recall'd all such Lands as had been either alienated, or wrongfully Usurped from the Crown. And also what was wont to be idly given away, as Forfeitures, Escheats and Wards, were restrain'd to the Crown, and kept to the King himself.

† Drummond's
Hist. of Scotland p. 27,

And in other Countries, as well as in England : They who deceiv'd or robb'd the Prince, were highly punish'd. Among the Romans, the *Crimen peculatus* was accounted Capital. *Crimen Peculatus hoc est Furtum Principis aut Reipublicæ. Quisquis igitur in administrandis, aut dispensandis Princi-*

Ministers Impeached

Principum bonis, ita infideliter se gerit, ut eas Pecunias furetur, aut Clanculariis Technis eripiat, aut ad proprium commodum abutatur, aut ad alios certe usus, quam ad usum Principis; is puniendus quadruplo, & exilio. Imo juxta multorum sententiam, puniendus est capitaliter, L. unica C. de crimine peculat. † Damhouderii Praxis Rer. Crim. Hujus Criminis Accusatio quinquennio durat, ejus pœna, aquæ & ignis interdictio, in cujus locum, hodie, successit deportatio. Wefenbecius ad Leg. Jul. de Peculat.

† Cap. de
Pec. p.444.

In France, several Persons of the highest Rank have been Capitally punish'd for Frauds committed in the Princes Revenue; of which we shall give several Instances.

† Mezeray
vie de Phil.
Aug.

But First, we shall give a President of a *Financier*, or Treasurer, who was Honest of his own accord: But Mezeray observes, the Example will always remain singular. Girard de Possi, in the Reign of † Phillip Augustus, had wrong'd his Master of Eleven thousand Marks of Silver; which he refunded into the Exchequer. Girard de Possi qui manioit les Finances, y remit de son propre fonde
onze

onze Mille Marcs d'Argent, il est a croire qu'il les avoit gagne avec le Roy : mais quoy qu'il en soit, on peut dire que cet Exemple sera toujours unique, & qu'on ne verra jamais de Financier qui le veuille suivre. Quelque chose qu'on fasse, ces Gens la iront plustot au Gibet, que de venir a Restitution.

In the Reign of Phillip le Bell, En-^{Vic Philip}ghérard le Portier, Seigneur de Marigni, ^{le Bel.} rais'd excessive Taxes upon the People, filling his own Coffers at the same time. Il y avoit quatre Cheffs d'Accusation contre luy Davoir altere les Monoyrs, Charge le Peuple d'Imposts, vole plusieurs grandes sommes, & degrade les Forests du Roy. There were four Heads of Accusation against him. That he had alter'd the Coin, loaded the People with Taxes, Robb'd the King of a great Summ of Money, and cut down the Timber of his Forrests. He was try'd by the Peers and Barons of the Kingdom, condemn'd and hang'd.

This Man was succeeded in his Employment by one Peter de Remy Sieur de Montigny, who trod in the Steps of his Predecessor, and was likewise sen-

Vie de Phil.
de Valois.

sentenc'd to death in Parliament, in the Reign of *Philip de Valois*. His Confiscation amounted to Twelve hundred thousand Livres ; a prodigious Sum for those Times. Par Arrest du Parlement on se trouverent 18 Chevaliers 25 Seigneurs & Princes & le Roy Mesme, il fust condemne a traïner & pendre, comme Traïstre, au Gibet de Montfaucon qu'il avoit fait rebastir : Sa Confiscation montoit a douze cents mille Livres sommes prodigieuse pour ce Temps la.

Vie de
Charles 6.

In the Reign of *Charles the 6th*, There was one *John de Montaign*, who was a kind of *Surintendant des Finances*, or what we call Commissioner of the Treasury, whom *Mezeray* describes to have been a little Insolent Fellow ; who from a low Degree, and without any great Merit of his own, and only by the King's Favour, was got into great Employments, where giving Offence by his Pride and Arrogance, the Great ones, at last fell upon him ; and he was Accus'd, Condemn'd and Hang'd, But take the Author's own Words, and his Description of him. *Cestoit un homme de mediocre Naissance, fils d'un Bur-*

Burgeois de Paris, que la faveur du Roy, sans beaucoup de merite de son costé, avoit eslevé jusqu'à la charge de Grand Maistre de sa maison, & ses freres, l'un à l'Archevesché de Sens, l'autre à celuy de Paris. Ses richesses immenses, qui ne s'acquierent jamais sans crime, aveuglerent ce petit Homme, & donnerent dans les yeux des Grands ; En sorte qu'il avoit marié son fils avec la fille du Connestable d'Albret, & ses filles à des plus grands Seigneurs du Royaume.

Quoy qu'il eust fort servy à la Negociation du Traitté de Chartres : Neantmoins le Duc de Bourgogne & le Roy de Navarre conspirerent sa perte, parce qu'il avoit donne le conseil d'emmener le Roy a Tours. Ils le firent accuser de plusieurs crimes énormes, prenant leur temps, que le Roy que l'aymoit, estoit dans sa folie. Il fut arresté par Pierre des Essards, Prevost de Paris examiné par des Commissaires du Parlement, & tourmenté horriblement à la Question. La douleur ne tira rien de sa bouche, neantmoins il eut la teste trenchée aux Halles. A la mort il confessa de son bon gré la depredation des Finances,

Cc

qui

qui contient en soy tous les plus
grands crimes. Le tronc de son Corps
fut pendu au Gibet, sa teste plantée sur
un pieu.

SECT.

S E C T. V.

That the Forfeited Estates in Ireland ought to be applyed towards Payment of the Publick Debts.

L Ast Year there was deliver'd in an Account of such Parliamentary Fonds as were deficient, and for which no Provision was made, *March 4. 168 $\frac{1}{2}$* . The Heads of which are as follow :

That in the Duty upon Low Wines,	} <i>l.</i> <i>s.</i> <i>d.</i>
there would at Lady-Day, 1701. be a	
Deficiency of ———	
	20,000--00--00

The Deficiencies in several Fonds granted to pay off the Exchange-Bills (besides the Interest due, and to be due upon them)	} 923,244--12--8 $\frac{1}{2}$
computed at ———	

Carry over 943,244--12--8 $\frac{1}{2}$
C c 2 The

Irish Forfeitures, &c.

	<i>l.</i>	<i>s.</i>	<i>d.</i>
Brought over	943,244	12	8½
The Deficiency in the 3 Shill. Aid grant- ed 1695. (besides In- terest) computed at—	416,000	00	00
In the Duties upon Parchment and Paper a Deficiency of—	15,400	00	00
The Deficiency in the Leather Duty, computed to the 20th of April, 1700. to be about—	426,438	00	00
In the Duty upon Malt, a Deficiency of about—	625,000	00	00
In the Aid by a Quarterly Poll grant- ed 1697. a Deficiency of—	180,000	00	00
Deficiencies in the three Ninepences up- on Beer and Ale—	153,771	19	08
In all	2,759,854	12	4½

'Tis to be apprehended, this Account is rather increased than diminish'd since last Year; particularly the Interest due upon

upon *Exchequer*-Bills, and Malt-Tickets will amount to a very considerable Sum.

Besides which, there are Arrears of several kinds, not yet provided for, which will be reckon'd a Debt upon the Nation.

And over and above all this, a Provision is to be made for the Expences of the current Year.

But the Honour of the House of Commons, and the Credit of the Nation seem absolutely engaged to make good several Deficiencies, to which we are not only bound by Publick Faith, which ought to be inviolable, but by direct and exprefs Clauses in Acts of Parliament; so that when a Law has Enacted, That such a Debt should be paid by a prefix'd time, all Ways and Means ought to be thought upon to make that Promise good, not so much for the sake of Credit to go a borrowing with (which Parliaments can hardly loose) but to keep sacred the Dignity and Majesty of the Common-wealth.

There is no Man will pretend to say, but that the Ways and Means of raising Money are extreamly difficult. Almost every Branch of our home Consumption has a Load upon it. Our Foreign Traffick

Irish Forfeitures, &c.

is already more charg'd than can possibly consist which the Interest of a Trading Country. Three Shillings per Pound, with the strictness 'tis now levyed, is such a Weight, that if it be much longer continu'd must, in time, certainly ruin all the less Free-holders, and greatly hurt the Gentry of this Kingdom.

To lay farther Excises upon the same Commodities, cannot be done without apparent prejudice to the Duties already granted, the same will hold in laying higher Customs. To charge Land for any long term of Years in times of Peace, is a thing unheard of among our Ancestors; and tho' past Conduct has made it perhaps unavoidable for some Years to come, yet the People will think themselves very ill dealt with by their Representatives, if Care be not taken to lay as few Burthens upon their Land as possible.

Some indeed have been of Opinion that the Deficiencies may be satisfy'd, and that the Debts may be paid by prolonging the Fonds already granted for a further term of time; but others who love their Country, have thought it dishonourable and dangerous, that *England* should be so long pawn'd, and continue for so many Years in Mortgage. They think it

not

15%

What about
the poor

Landed
Gentry only

not safe for our Constitution, nor consistent with our Civil Rights, that there should be levied in this Kingdom, for any number of Years, near four Millions annually, in Customs, Excises, and such like Duties, which in some future Reign, bad Ministers may perhaps seize upon, and intercept, by stopping the *Exchequer*, in order to set up an Army, and to subsist without a Parliament: Of this, good Patriots will be always apprehensive, and have therefore ever abhor'd these long Fonds, which all the Neighbouring Princes round about us have constantly made use of for subverting the Liberties of their People.

Some without Doors, have been for trying such wild Projects, as was that of increasing the number of *Exchequer-Bills*, which indeed was a good Expedient to lull our Creditors asleep, and to quiet Things for the present, while certain Persons might have the Opportunity of doing their own Business, and of Building up their own Fortunes, but the Publick could thereby have reap'd no Benefit. On the contrary, this Calm in our Affairs, and the not being press'd by any clamorous demands, would have occasion'd and encourag'd still more and more bad Husbandry, and at last, the

Debt must have come upon us, with the addition of a heavy load of Interest; besides (which is unanswerable) if a War had overtaken the Nation with such a Debt upon it, all due and demandable at a Day, Publick Credit must have sunk at once, upon which would have follow'd Ruin, without Redemption.

Good Patriots will never think *England* can be effectually reliev'd by any Ways and Means of raising Money, but such as shall sink part of the Principal Debt, and hinder us from being eaten up by that *Canker of Usury*, which has been so destructive to this Government.

Nor will *English-men* (we mean such of 'em as consider at all) think that Trade can flourish, or that Liberty is intirely safe, till our Payments to the Publick are reduc'd to what they were before the War, viz. two Millions Yearly; for this Nation will be ever apprehensive, That such mighty Sums as we now pay, may hereafter, in the Reign of some other Prince, be turn'd against the People, tho' given and granted for their Preservation.

Since therefore the common Ways and Means of raising Money, may be dangerous in their future Consequence, or a present

present Burthen upon the Nation, it imports good Patriots to consider whether or no the Necessities of the Government may not be supply'd by the Methods which our Ancestors have so frequently put in Practice. By which we mean, whether or no a *Resumption* of such Lands in *England*, and more especially in *Ireland*, as have lately been granted away from the Crown, would not be a great Relief and Ease to the People in their Taxes.

If a *Resumption* can be made without breaking into the Rules of Justice, or without bringing any Reflection upon the King, whose Honour above all things ought to be regarded, and if thereby two Millions can be rais'd, to come in the room and place of a Land-Tax, very few People will think it strange for the Legislative Authority to exert it self in a matter so much for the common Ease and Benefit: And where the Publick is so deeply concern'd, but very few Persons will consider or consult the private Interest of such as have procur'd the Grants. Therefore in handling this Subject, we shall endeavour to examin into, and state these following Points.

I. How

I. How far it is consistent with the Honour of a Prince to desire and promote a *Resumption* by Act of Parliament.

II. What Interest the People of England have in the Lands granted away, and especially as to the forfeited Estates in Ireland.

III. How far in an Act of *Resumption* it is just and reasonable to look backwards.

Ist. How far it is consistent with the Honour of a Prince to desire and promote a *Resumption* by Act of Parliament. There is nothing more evident in our Histories, than that the most magnanimous of our Kings have been the most free in confirming to the People their Ancient Liberties, *Magna Charta*, as it is now deriv'd down to us, was modell'd by Henry the 1st, a Prince famous for his Military Virtues, which was confirm'd by Stephen, a King active enough in the Field. This Sheet-Anchor of our Liberties, was yet more strengthen'd by Edward 1st, as Renown'd as any of our Kings for Personal Valour and Victories abroad. That, which heretofore

heretofore by Flatterers and Corrupt Ministers has been call'd *Prerogative*, was never insisted upon, but by weak and effeminate Princes, who desir'd that their Immoderate Appetites of doing Ill, might be justifi'd and strengthen'd by more Power than was allow'd 'em by the Laws. Magnanimous Kings have always thought, That the Royal Prerogative consisted chiefly in the Power of doing Good to so many Millions of Men, who depend upon their Wisdom and Courage. Henry the 4th, that Heroick Prince, who obtain'd the Crown by his own Personal Merits, was so far from thinking his Prerogative injur'd by Acts of Grace and Favour, by which Good Government might be promoted, that he himself desir'd of the House of Commons, that his whole Privy Council might be named and Established in Parliament. *Et rehercea outre*

comment l'Erceveque de Canterbirs leur avoit fait report qe le Roy vorroit estre conseillez per les plus sages Seignours du Royalme, les-queux deussent avoir survien de tout ceo qe seroit fait par la bone Gouvernance de son Royalme. A qel chose faire, le Roy sagrea, & rehercea per son bouche propre qil fust sa volonte entier. Et sur ceo, fust lue une Bille fait per le Roy mesms, & de sa volonte propre,

Rot. Parl.
7 & 8 Hen.
4. Num. 31.

pre, de les nous des Seignours qi seront de son Conseil. Afterwards the Privy Counsellors are actually nam'd in the Bill, and the Lord Chancellor, Lord Treasurer, Privy Seal, and other great Officers are therein directed, to act nothing of Importance, without the concurrent Advice of the rest of the Council, *Et qe Billes a endorser per le Chambrelayn & Lettres dessous le Signet de nostre dit Seignour le Roy a Adressers & autres Mandements a doner as Chancellor, Tresorer & Gardien du Privee Seal, & autres Officiers qeconques, desore en avant, en tielx Causes come desuis, seront endorsez ou faitz per advys du Conseil.* Et qe les dits Chancellor Tresorer & Gardien du Privee Seale, & autres Officiers, *ne facent en tielx Causes se non per advys du dit Conseil.* The King goes on farther, and desires his own Authority may be circumscribed in several Points; and yet when he made those Concessions, he was neither in his Nonage, nor did he doat, nor was he press'd by any Insurrection of the People; and 'tis notorious, he neither wanted Policy, nor Courage. But 'tis rather probable, that he thought it Honest and Wise, and no diminution to his Honour, to oblige that People with wholesome Laws and good Government, who had
given

given him the Crown, and who had been at such Expences to support his Title.

Magnanimous Kings have not only been Favourers of Publick Liberty, but they have likewise been frugal of the Peoples Money, as appears in the Instances of *Henry the 1st*, *Henry the 2d*, *Edward the 1st*, *Henry the 4th*, *Henry the 5th*, *Henry the 7th*, and *Q. Elizabeth*; which shows how wrong their Notion is, who think Wise and Thrifty Princes dangerous to the Freedom of a Country, whereas profuse Kings, such as *John*, *Henry the 3d*, *Edward* and *Richard the 2d*, did not only waste the Nations Treasure, but every one of 'em compell'd the People to fight Pitch'd Battles, in defence of their Civil Rights.

Gallant Princes desire to make the People easie. *Henry the 4th* of *France*, our present King's great Grand-Father, said once, he hop'd to order Matters so, that every Man in his Kingdom should have a boil'd Capon to his Dinner. None of the Apothegms utter'd by great Men, and so much commended by the Antients, could become the Mouth of a King so well, as this Noble and Well-natur'd Saying. 'Tis probable, had he liv'd, he would have brought

brought it about; which if he could have done, twould have been a nobler Trophy to his Fame, than all the Victories he had obtain'd. The Honour of a King consists chiefly in doing good to the Universal Body of his People, and the Publick Welfare is to weigh with him above all other Respects. He is often to divest himself of the narrow Thoughts which sway among private Men; and he can hardly be a good Ruler unless he does now and then in his Politick, what he would not do in his Natural Capacity. He is a Person intrusted by the Common-Wealth, and what he acts in discharge of that Trust, cannot be call'd dishonourable.

The Commons in a *Resumption*, made *1 Hen. 7.* tell the King in their Bill; *It is for his own Suerty, Honor and Weal, and for the Universal Weal, Ease, Rest, and Suerty of his Land, the which he ought to prefer before the Favour of any Person, or any Place, or other thing Earthly.* The same Words made a part of the Preamble in most of the other Bills of the like Nature, by which it appears to have been the continu'd Sense of our Ancestors; that the Reputation of a Prince was never injur'd by Acts wherein the Ease and Relief of his People was consulted: 'Tis true, such a Minister

Minister as the Chancellor *de la Pool* had other Sentiments, and gave Advice of another kind, being willing to countenance his own Depredations by the Example of others: Such as he may engage the King's Honour in the Protection of their Crimes, so to shelter themselves under his Wings, and pretend things lessen his Fame, which will only lessen their Estates: But good Ministers have always thought that nothing could more hurt the Reputation of a Prince, than to be reduc'd by Profusion to Courses, by which his Country must be oppress'd with Taxes. 'Twas a common practice with the Duke of *Sully*, to obstruct and often to vacate his Masters Gifts and Grants; yet this great Man was sufficiently jealous of his Princes Fame. In Spain, *Henry* the *Amirante*, *Pacieco d'Ascolone* and *Henry de la Fortuna*, three Grandees, had obtain'd of *Ferdinand*, each of 'em a Million of Livres of Gold, charg'd on the Revenue of *Pern*, and should have receiv'd it at the Return of the Plate-Fleet, but Cardinal *Ximenes* utterly annulled those imoderate Gifts, tho' *de la Fortuna* was the King's own Kinsman, saying; *The Revenue of Princes, tho' A great in it self, is always too little for the Necessities of the State.* And notwithstanding

**Bandier le*
Ministère du
Card.
Ximenes.

ing

Irish Forfeitures, &c.

ing the *Spanish Pinto* of Honour, we do not find this Proceeding resent'd by King *Ferdinand*. Before his Greatness was so establish'd, seeing a very disadvantageous Farm of the Silks of *Granada* let for Ten Years, by the Advice of *Don Manuel* the Treasurer, to which the King had consented, and which was offer'd at Council to be seal'd, he took the Charter and tore it publickly (of which the Pieces are kept among the Records of *Arcala*, as a Memorial of this Ministers Courage and Integrity) saying, *Salto*, *Don Manuel*, were you not my very good Friend, the King should cause your Head to be taken off: Dare you make Grants so prejudicial to the State? Nor did *Philip the 1st.* take it ill that his own, and his Favourites Doings were thus revoked.

We agree that Princes in all their Actions are to consider *Fame*, because Opinion is one of the main Pillars to support their Authority. But let any reasonable Man answer, Is it not more glorious for a Prince to let the whole People under his Reign, enjoy Ease and Plenty, without new Impositions and Duties, than to enrich a few Minions and Favourites, with the Spoils of a whole Country? A Prince thirsting after present or future Renown,

noun, whose Example would he desire to follow? That of *Henry* the 4th, who by his Frugality brought the Crown of *France* out of Debt; or that of *Henry* the 3d, who harrafs'd his whole Kingdom to build up four or five great Families, whereby he got no more than to leave behind him so many conspicuous Monuments of his Weakness.

No doubt it has heretofore been thought injurious to the Reputation of a Prince, to be urged by clamorous Debts, to suffer many thousands of miserable Persons to want what is their due; to have his Troops unpaid, and his Seamen in vast Arrears, and to let his menial Servants starve, first by retrenchments, and then by being without their settled Wages and Allowances.

These are truly Blemishes upon a Princes Glory, and were represented as such, by the Commons of *England*, assembled in Parliament, 28 *Hen. 6.* when they made Application, That these Reflections might be taken away, and that these Grievances might be redress'd; and affirm'd at the same time, That they could not grant any Aid, unless the King would actually resume what had been obtain'd from the Crown by Importunity or Sur-
D d prize,

prize, upon false Suggestions, or by Contrivance among the Great ones.

Seldom any Prince has miscarry'd in his Fame or Fortune, who has constantly pursued the Publick Good; and who has directed all his Counsels to his Countreys Ease and Benefit; but History is full of their Troubles and Disasters, who have obstinately adhear'd to a few, against the whole, and who have confin'd to particular Objects, that Affection which ought to be extended to the universal Body of their People.

What was done by *Henry* the 1st, *Henry* the 2d. and by that Hero *Richard Cordelyon*; What was done by that Conqueror of *France*, *Henry* the 5th; What that Spirited and Martial Prince, *Edward* the 4th, desir'd his Parliament in a Speech from the Throne, to put in Execution, and which he thanked them afterwards for doing, can never be thought dishonourable in any other King; and among *English* Men, a Prince will never suffer in his present, or future Renown, for treading in their Steps, and following their Examples.

And

And without doubt, these Noble and Warlike Princes did not think the Regal Power at all impair'd, by giving Way to the *Resurreptions* which were made during their Reigns ; for in all these Exercises of the Legislative Authority, Lords and Commons do but act subserviently under a King for his Profit, which *Grotius* very finely thus Illustrates. *Multum falluntur qui existimant, cum Reges Acta quædam sua nolunt rata esse, nisi a Senatu, aut alio Coetu aliquo probentur, partitionem fieri potestatis : nam quæ Acta eum in modum rescinduntur, intelligi debent rescindi Regis ipsius Imperio, qui eo modo sibi cavere voluit, ne quid fallaciter impetratum, pro vera ipsius voluntate haberetur.*

Grotius de Jure Belli ac Pacis.
l. 1. Cap. 3.
Num. 18.

2dly. What Interest the People of England have in the Lands granted away, and especially as to the Forfeited Estates in Ireland. As to Lands appertaining to the Imperial Crown of England, and of its Antient Demeafnes ; 'tis not at all clear that they can be alienated, the Fundamentals and general Grounds of Government consider'd. *Grotius* is directly of this Sentiment. *Patrimonium quoque Populi, cujus fructus destinati sunt ad su-*

Lib. 2. Cap
6. Num. 11.

Irish Forfeitures, &c.

stentanda Reipublicæ aut Regiæ dignitatis onera, a Regibus alienari, nec in totum nec in partem potest. Nam & in hoc jus majus Fructuario non habent. And to fortifie his own Opinion, he produces very many great Authorities. But we shall take notice of some he has not mention'd. *Hotman* is clearly of Opinion,

Hotman. de
Jur. Reg.
Gall. T. 3.
Col. 139.

That the Kings of France could not alienate the Demeasnes of the Crown.

Itaque Anno cio ccc xcix. cum Rex Carolus comiti sampaulino particulam quandam sui domanii donasset, Senatus Parisiensis pro vetere veteris trium statuum Parlamenti jure intercessit: ac pronuntiavit, Regii domini diminutionem nullius esse momenti, nisi cujus auctor Senatus ille Parisiensis fuisset: Quod decretum Paponius inter arresta sua retulit, lib. 5. tit. 10. ubi alia complura generis ejusdem Senatus consulta commemorat. And a little lower, *Quæ sanè lex Reipublicæ per quam utilis est ad regii domini conservationem. Quia tum demum ad tributa & indictiones extraordinarias, quibus plebs oneratur, decurri tanquam ad subsidium solet, cum illud dominium regium exhaustum est.* And again,

Col. 140.

Jus Regum Francorum ita constitutum est, ut non infinitam & immensam regno atque imperio suo abutendi potestatem haberent,

non

non regni Patrimonium insanis largitionibus & donationibus immodicis prodigorum instar dissiparent, sed ut patriæ ac populorum suorum salutem fidei suæ creditam incolumem servarent, neque ulla ex parte Rempublicam sibi commissam violarent: denique ut. sanctissimum illud M. Tullii præceptum servarent, Ut tutelam sic procurationem Reip. ad utilitatem eorum, qui commissi sunt, non ad eorum quibus commissæ est, gerendam esse.

But as we have noted in the precedent Section, this Point is become more doubtful, since the late Act for declaring the Rights and Liberties of the Subject; which Act absolutely condemns those Clauses of *non Obstante*, whereby these Alienations were formerly supported; and such Clauses being condemn'd, there are strong Reasons to think, that the Act 11 H. 4. which clearly prohibits such Grants, is now return'd to its first Force and Vigour. However let this Matter stand as it will, we shall probably make it appear, That the Lands in *Ireland* (which the People of *England* have within a few Years repurchased with so much Blood and Treasure) are quite upon another Foot.

Lib. 3. Cap.
6. Num. 10.

Grotius affirms, 'tis the Law of Nations, *Ex Jure Gentium*, That the Lands of the Vanquish'd should go to the Conquering People. *Ex quo gentium Jure Scipio agit cum Masinissa apud Livium: Syphax Populi Romani Auspiciis victus Captusque est. Itaque ipse Conjux, Regnum, Ager, Oppida, homines qui incolunt, quicquid denique Syphacis fuit, Præda Populi Romani est.* What he terms the Law of Nations is all the highest Result of Reason; for is it not just that what is gain'd at their Expence should belong to them? *Hotman*, putting the Case how it should be, if the Lands to be given away are newly Conquer'd, says, † *Restat pars ultima, cum armis & Bello regnum questum est. Nam cum armis Principis partum atque in ejus ditionem redactum sit, consentaneum videtur, ut de eo statuere arbitrati suo possit. Sed cum eam ditionem solus ac per se non adquesierit, sed civium suorum sanguine, Laboribus periculis, non alienum videtur regulam juris Civilis sequi, ut quod communibus multorum laboribus questum est, non nisi communi eorum Consilio & consensu alienari possit.* The Romans were so strict in this Point, that to intercept any Spoils gotten in War, was accounted robbing the Publick.

† *Hotman.*
Quæst. II.
Iust. T. I.
Col. 850.

lick. *Modestinus* the Lawyer says, *Is qui Prædam ab Hostibus surripuit Peculatus tenetur.* *Gellius* takes notice, that *Cato* in an Oration he spoke, concerning Spoils, complain'd in vehement Words, That poor Thieves were manacled in Fetters, but that the Publick Robbers shin'd in Gold and rich Attire. *Fures Privatorum Furtorum in nervo atque compedibus etatem agunt, Fures Publici in Aureo atque Purpura.* Indeed, if a Prince makes the War at his own single Charge, (as *Grotius* observes in another Place) *Fieri potuit ut Rex ex sua privata substantia Exercitum aluerit.* In such a Case he alone will have a Right to the Conquer'd Country.

Lex penult. digest. ad leg. Jul. Peculat.

Gellius Lib. 11. Cap. 13.

Lib. 1. Cap. 3.

3. Nemo
11. 12

And this is so true, that if *William* the *Norman* had been able by his own Strength, and at his particular Expences, to have made the Conquest of *England*, according to the Law of Nations, he must have had this Kingdom in *Patri-monio*, with as absolute Dominion in it, as the Eastern Princes can pretend to.

But the Case being quite otherwise, and he not able to bear the whole Charge, he took to his assistance several Barons of his own Dukedom, and some great Men of other Countries, who were joined with

him in the Adventure, to whom, as the Recompence of their Service, he first promis'd, and afterwards made sundry Concessions, and granted many Priviledges: But still with all this assistance, he could not quite subdue the Natives, with whom he was compell'd to make Compacts, from which Concessions and Compacts, it comes that we continue still to be a free People, notwithstanding this pretended Conquest.

In the same manner, if *Henry* the 2d had Conquer'd *Ireland* with only the Revenues of the Crown, without any Aids from his People, that Kingdom had been his own, *Pleno Jure*, as the *Civilians* call it; and he might have disposed of it at his own Will and Pleasure: For as *Aristotle* says, *Lex est veluti pactum quoddam commune quo Bello capta capientium sunt*. Nor is it a thing at all strange, for a Prince to hold different Kingdoms by different Titles, and to Govern 'em by different Methods; in one he may be absolute, according to the Antient Constitution of the Country; in another, his Power may be circumscribed and limited by Law: One Kingdom he may hold by Election, and another by the Right of Succession. He
may

may have a Kingdom of his own Acquisition, which shall be as it were his own private Patrimony. *A Principibus aliquando Regna vel Territoria pleno jure habentur, ita Strabo tradit Cytheram, Insulam Tœnaro adjacentem, fuisse Euriclis Lacedæmoniorum Principis, privato ipsius jure.* ^{* De Jure inter Gentes P. I. Sect. 3. R. 2.} And the same Right would Henry the 2d have had in Ireland, if he had made the Acquisition by his own Sword and Bow, and by Troops paid out of his own Purse; but because the Kingdom was conquer'd at the general Expence of England, the Commonwealth here has always took it self to have an Interest to bind that Kingdom by Laws, to inquire into the Administration of it, as Parliaments have several times done, and to extend the Acts of Resumption as well to Ireland as to England, constantly believing that Island to have been an Acquisition to the Crown, not of any King's own Making, but purchas'd with the Labour and Blood, and at the common Expence of this Nation, which in several Expeditions and Wars to quiet 52 Rebellions, has expended five times more Treasure than the Fee Simple of all Ireland is worth.

The

Irish Forfeitures, &c.

The Writer of these Papers is not at all afraid or asham'd to offer at Accompts, tho' a certain Person did please to say (but without any Proof then or afterwards) that in one Computation we were mistaken twenty Millions.

An Account of the Expences for the Reduction of Ireland.

	£.	s.	d.
Isfu'd from the Exchequer, and wholly apply'd to the Irish Service, to Jan. 25. 1694.	3,388,672	5	3 $\frac{1}{2}$
Arrears due to the Irish Army, to March 31. 1692, about	190,000	00	0
To the Irish Transports about	350,000	00	0
For the Service of the Ordinance, on Account of the Train that attended the Irish Army, computed at about 80,000 <i>l.</i> per Ann.) for two Years and a half.	1200,000	00	0
Carry over	4,128,672	05	3

Besides

Irish Forfeitures, &c.

411

	ll.	s.	d.
Brought over	4,128,672	05	3
Besides which, there was received by us of the <i>Irish</i> Revenue,	177,020	15	5
By Poundage and Days Pay, and Profits by Guinea's about	70,000	00	0
By Quarters in <i>Ireland</i> about	140,000	00	0

So that the Reduction of the *Irish* stood both Nations in about 4,515,693 00 8 $\frac{1}{2}$

The Peoples Right to the Forfeited Estates in *Ireland*, to dispose of 'em in Parliament, either for the Service of the current Year, instead of a Land-Tax, or to make 'em a Fond towards paying off the Deficiencies, is grounded upon this Sum of Four Millions, which has been levied in *England*, and expended upon that War.

Where the Honour of the Prince, and the Honor or Interest of the Nation are concern'd against a Foreign Enemy, most cer-

certainly we are to give necessary Aids and Subsidies without prospect of reaping any other Fruit from our Expences, than Fame and Safety; but when *England* has to do with its own Subjects, and that they can be brought to pay part of the Reckoning, it would be very hard if all this should be intercepted from the Publick, and that we should waste our Blood and Treasure, only to enrich a few private Persons.

Vide
Dr. Hammer
Fol. 136.

From the time of *Henry the 2d. Ireland* has almost constantly been made to contribute something towards its Conquest or Reduction. In the very beginning, viz. *Anno 1170*, part of its Lands were given to the Adventurers *Robert Fitz Stephen*, and *Maurice Fitz Gerald*, *David Barry*, *Hervy de Monte Marisco*, *William Nott*, *Maurice de Prendregast*, *Meyler*, *Richard Strongbowe* Earl of *Chepstow*, and others. And *Anno 1172*. another Adventure was set a-foot, and a new Partition of Lands was made, and King *Hen. 2d* stands himself in the Front of the Adventurers, with *Hugo de Lacy*, *William Fitz Adelm*, *Humphrey de Bohun*, *Sylvester Giraldus*, *Cambrensis*, who was Tutor to the young King *John*, and others. In the distribution of these Lands, the Service of so many Knights was

Vide Rog-
rus Hou-
don.

was reserv'd to the King in the Grant of each Estate. *Hugo de Lacy* Lord Lieutenant, sold several Estates there, which Sales *Philip* of Worcester, his Successor, revoked. *Nec mora revocato Hugone de Lacy, Philippus Wigorniensis, vir Militaris dapilis & liberalis : circa Cal. Septemb. cum Militibus XL. Procurator est in Insulam transmissus. Inter ipsa igitur operum suorum initialia terras, quas Hugo de Lacy alienaverit, terram, viz. Ocathefi, & alias quam plures ad Regiam mensam cum omni solitudine revocavit.* *Giraldus Cambrensis, cap. 24.*

The Writer of these Papers has not leisure to inquire into the Particulars, but according to the best of his Remembrance, a distribution of Lands was made to Adventurers, concern'd in suppressing the Insurrections which the *Irish* made during the Reign of Queen *Elizabeth*. And most certainly, the War *England* had with that Kingdom in the Reign of *Charles* the 1st; was in a great measure carryed on by Money subscribed here; with a view, that the Subscribers should have the Lands Conquer'd and forfeited, which afterward, partly they had, and the rest was divided among the Soldiers in satisfaction of their Debentures.

In our present Case the War was not either begun, or carry'd on at the Expence

pence of any Single Person, or private Men, but at the common Charges of the whole Nation ; therefore in Reason and Justice the People of *England* ought here to be look'd upon as the General Adventurers : That the Four Millions levied and expended , is their Adventure, of which the Forfeited Estates ought to be the Return ; and if any thing considerable can be made of 'em, it ought to go towards easing *England* in its Taxes.

But there is a strong Reason of State why the Lands of *Ireland*, in cases of Rebellion, should never be granted away, but be either distributed among Adventurers , or sold towards defraying the Charges of the War ; for if *England* is to be at all the Expence, and Courtiers are to go away with all the Profit, how do we know but that hereafter, for their own Gain, they may purposely and advisedly encourage and Foment Rebellions there ? Fourteen Hundred thousand Pound, once in Thirty or Forty Years, to be shared among them, would be a very fine Crop for the Men in Business. But probably the Ministers in future Ages will be watchful over that Kingdom, and suppress an Insurrection betimes (when it may be done for a less Sum than Four Millions, and perhaps with three or four Thousand Men)

nor

nor in all likelyhood will they so notoriously neglect a matter of that Importance, when they are to reap to themselves no Advantage by such a Negligence.

Some will pretend the Prince has more Power to alienate what comes to him by Forfeiture, than to part with the Revenues of the Crown, reckoning Forfeitures to be *In Fructu Patrimonii Principis*; according to this of Grotius, *Sed in eo saluntur multi, quod res quæ in fructu sunt Patrimonii cum rebus Patrimonii confundant.*

De Jure Belli ac Pacis, lib. 2. cap. 6. Num. 12.

Sic jus Alluvionum in Patrimonio esse solet, ipse res quas fecit Alluvio in fructu: Jus vectigalia exigendi in Patrimonio, Pecunia ex vectigalibus procedens in fructu: Jus confiscandi in Patrimonio, fundi confiscati in fructu. All which is right, if rightly distinguish'd. No doubt 'tis not only Legal, but for the Good of any Government, that common Confiscations should be at the Disposal of the Prince, that he may have an Opportunity of extending his Mercy to the Children or Relations of the Delinquent: Besides, in common Confiscations the Traitor is prosecuted and brought to Punishment at the King's sole Expence. But the Case is quite otherwise when a whole Nation rebels, and when that Rebellion is to be suppressed at the infinite Expences of the People, it seems rather

rather that what accrues thus to the Prince and People (for they always have, or should have a Joint Interest) ought to be more Sacredly devoted to publick Uses, than any other thing, because it is the Price of Blood.

We have perhaps made it appear, that the People have some Interest in the Publick Revenues: We shall therefore examine whether this Right is any way lost or laps'd for want of putting in a Claim. If the Nation had sat still while these Grants were making, and done nothing which look'd like a Protest against it, peradventure it had been such an Abandoning or Dereliction of the matter, as in some sort might have transferred the Dominion of the things in question to the present Possessors. *Qui sciens & præsens tacet, videtur consentire.* But the Case is quite o-

*Grotius de
Jure Belli
ac pacis, l. 2.
c. 4. Num. 5.*

therwise here. The Parliament has very early desir'd that the Forfeitures both in *England* and *Ireland* might be appropriated to the Uses of the War, and those Desires have been earnestly and frequently repeated. And because it tends much to the clearing of our present point, we shall so far trespass upon the Reader's patience, as to give a brief Accompt of what has been from time to time done in Parliament in relation to this Affair.

The

The Sessions 2. *Jul.* & *Mar.* began
2. *Octob.* 1690.

veneris 17. *die Oct.* The House resolved itself into a Committee of the whole House to consider farther of Ways and Means for the raising of Supplies to be granted to their Majesties. Mr. Solicitor Reports from the Committee the following Resolution.

Resolv'd, that 'tis the Opinion of this Committee that towards the raising the Supplies to be granted to their Majesties the Summ of Ten Hundred Thousand Pounds be rais'd upon the Credit, or by Sale of the Forfeited Estates in *Ireland*.

The Resolution being read a second Time.

Resolv'd, *nemine contradicente*, that this House doth agree with the Committee, in the said Resolution.

Luna 20. *Die Oct.* 1690. Resolv'd, that an humble Address be made to his Majesty, that he will please to command the Commissioners in *Ireland*, to make a Return to his Majesty of the Names of the Persons in Rebellion in *Ireland*, and of their Estates, and the yearly value thereof, and that his Majesty will graciously please to order the same to be transmitted to this House. *Mer-*

Mercurii 22. Die Oct. 1690. Resolv'd, that a Bill be brought in upon the Debate of the House for attainting the Persons that are, or have been in Rebellion in *England*, or *Ireland*, and for confiscating their Estates, and for applying the same to bear the Charges of the War.

artis 2. Die Dec. 1690. The said Bill was read a first Time.

Jovis 4. Die Decemb. 1690. The said Bill was read a second time, and the same Day the House resolv'd itself into a Committee of the whole House to consider of the said Bill.

Veneris 19. Die Dec. 1690. Mr. Solicitor reported the Bill. Resolv'd, *nemine contradicente*, that the said Bill, with the Amendments be engross'd.

Martis 23. Die Dec. 1690. Resolv'd the said Bill do pass, and that Mr. Solicitor carry it to the Lords.

Mercurii 31. Die Dec. 1690. Ordered that a Message be sent to the Lords to put them in mind of the said Bill, and that Sir *Robert Rich* carry the said Message.

The Bill fell in the House of Lords, by Reason of the shortness of the Session, for on the 5th of *January* the Parliament was adjourn'd to the 31st of
March,

March, and so by short Adjournments till the following Year. But before the Recess his Majesty was graciously pleas'd, in his speech to both Houses, on the 5th of *January*, to say as follows.

—*And I do likewise think it proper to assure you, that I shall not make any Grant of the forfeited Lands in England or Ireland, till there be another Opportunity of settling that matter in Parliament in such manner as shall be thought most expedient.*

The following Sessions began 22 die *Oct.* 1691.

Sabbati 16. die *Jan.* 1691. Order'd that leave be given to bring in a Bill to vest the Forfeited Estates in *Ireland*, in their Majesties, to be applied to the Uses of the War.

Order'd that leave be given to bring in a Bill for vesting the Forfeited Estates in *England* in their Majesties, to be applied to the Uses of the War; and 'tis referred to Mr. *Smith* &c.

Sabbati 23 die *Jan.* 1691. Mr. *Smith* presented the two Bills.

Martis 26 die *Jan.* 1691. Each of the Bills were read a first time, and order'd a second Reading.

Jovis 28. die Jan. 1691. Each of the said Bills were read a Second time, and committed to a Committee of the whole House.

Lune 1. die Feb. 1691. The House resolv'd it self into a Committee of the whole House, &c. Mr. *Palmer* Reported from the Committee that they had gone through the Bill for vesting the Forfeited Estates in *England*, and had made some Progress in the Bill relating to *Ireland*.

Jovis 4. die Feb. 1691. Mr. *Palmer* Reported the Amendments made by the Committee to the Bill for vesting the Forfeited Estates in *England*, &c. which were read and agreed to by the House.

Several Clauses or Savings were offer'd and agreed to. Among the Rest, that nothing in the Bill contain'd, should extend to Grants made to the Earls of *Monmouth* and *Torrington*.

Order'd, That the Bill with the Amendments be engrossed. Mr. *Palmer* also Reported the Amendments to the Bill for vesting the Forfeited Estates in *Ireland*.

Veneris 5. die Feb. 1691. The House proceeded to take into Consideration the Report of the Amendments to the said Bill,

Bill, and several of them were read a second time, and agreed to, &c.

Martis 9. die Feb. 1691. The House proceeded in the further Consideration of the Report, &c.

A Clause was offered for their Majesties to grant to any Person or Persons, as a Reward for their Service, any of the Lands and Hereditaments vested in their Majesties, by vertue of this Act, so as such Lands and Hereditaments do not exceed in Value of the whole Lands, Tenements, and Hereditaments so vested in their Majesties, to any such Person or Persons, as a Reward for his or their Service.

A Clause offer'd that it should be lawful for their Majesties to Grant to *James Duke of Ormond* and his Heirs, any of the Forfeitures made by this Act, or any other Means within, or on any the Estate or Estates of the said Duke.

Twice Read and Agreed to.

Other Clauses Read and Agreed to. Order'd, That the Bill with the Amendments be engross'd.

Veneris 12. die Feb. 1691. An Engross'd Bill for vesting the Forfeited Estates in *England* in their Majesties to the use of the War, was read the third time.

Riders offer'd and agreed to. Resolv'd, That the Bill do pass.

Order'd, That Mr. *Palmer* do carry the Bill to the Lords, and desire their Concurrence.

An Engross'd Bill for vesting the forfeited Estates in *Ireland* in their Majesties, to be applied to the Use of the War, was read the Third time.

Several Riders presented and agreed to. Resolv'd, That the Bill do pass.

Ordered, That Mr. *Palmer* do carry the Bill to the Lords for their Concurrence.

Note] In the Bill relating to the Irish Forfeitures, there was reserv'd to their Majesties one third part of the Forfeitures, To be disposed and given to such Military Officers and Soldiers as their Majesties should think fit, who actually serv'd in the Wars in *Ireland*, in Person there, and to no other Person or Persons whatsoever.

During this Session, Proposals were offer'd for raising Money upon the forfeited Estates.

Jan. 1st. 1691. Resolv'd, That a Committee be appointed to receive Proposals for raising Money upon the forfeited Estates in *Ireland*, and it is referred to Mr. *Smith, &c.*

Martis

Martis 26. die Jan. 1691. Order'd, That the Committee, to whom it was referr'd to receive Proposals for raising of Money upon the forfeited Estates in *Ireland*, be impower'd to inquire into the disposal of forfeited Estates there.

Sabb. 13. die Feb. 1691. Order'd, That the Report of the Committee appointed to receive Proposals, &c. be made upon Monday Morning next.

Mercurii 17. die Feb. 1691. The said Report was made. 'Tis very long, but well worth the Perusal of all Members, and is to be found in the Journal of 1691. Fol. 866.

What pass'd in 1690, and 1691, is a sufficient Indication that the People of *England* had no mind this Matter should sleep.

The next Year, *viz. 1693.* We may say a Claim to these Estates was continued, and kept afoot, by an humble Address from the House of Commons to the Throne, *Sabbati 4. die Martii 1693.* where, among other things, it is thus pray'd.

And forasmuch as the Reducing of *Ireland* hath been of great Expence to this Kingdom, We humbly beseech your Majesty, That (according to the Assurance Your Majesty hath been pleas'd to give us)

us) No grant may be made of the forfeited Estates in *Ireland*, till there be an opportunity of settling that Matter in Parliament, in such manner as shall be thought most expedient.

That a true Accompt of the Escheats and Forfeited Estates both Real and Personal, and Stores left by the late K. *James*, may be laid before your Commons in Parliament assembled, to the end that the said Escheats, Forfeitures, and Stores, and the Embezzlement thereof may be inquired into.

Veneris 10. die Martii 1693. To this Address His Majesty was graciously pleased to give the following Answer.

Gentlemen,

I shall always have great Consideration of what comes from the House of Commons, and I shall take great Care that what is amiss shall be remedied.

The Year following the Matter was again reviv'd, and other Bills brought in of the same Purport with the former.

Veneris 12. die Jan. 1693. Order'd, That a Bill be brought in to vest the forfeited Estates in *Ireland* in their Majesties to be applied to the use of the War.

The like Order for the forfeited Estates in *England*.

Mer-

Mercur. 24. die Jan. 1693. The Honourable *Henry Boyle Esq;*, according to Order, presented to the House a Bill to vest the forfeited Estates in *Ireland* in their Majesties, to be applied to the Use of the War. And also

A Bill to vest the forfeited Estates in *England* in their Majesties, to be applied to the Use of the War, and the same were read.

Sabbati 3. die Feb. 1693. A Bill for vesting the forfeited Estates in *Ireland*, &c. was read the second time.

Resolv'd, That the Bill be Committed to a Committee of the whole House.

Martis 27. die Feb; 1693. The House resolv'd it self into a Committee of the whole House to consider of the Bill for vesting the forfeited Estates in *Ireland*, &c.

Mr. Boyle reported from the Committee that they had made some Progress, &c. and desired leave to sit again.

The House resolv'd it self into a Committee of the whole House to consider further of the said Bill.

Mr. Boyle reported from the Committee that they had made a farther Progress &c. and desired Leave to sit again.

This Sessions a Committee was likewise appointed to receive Proposals concerning these Forfeitures, *Vc.*

Veneris 12. die Jan. 1693. Sr. Rowland Guin reports from the Committee appointed to receive Proposals concerning the Forfeitures in *Ireland*, and likewise for securing the Protestant Interest there.

The Proposals receiv'd by the Committee may be seen in the Journals of that Year from Fol. 314. to Fol. 324.

* *December 3, 1694.* A Bill was presented to the House, to vest the forfeited Estates in *Ireland* in their Majesties, read. And read again a second time, *10 die Decem. 1694.*

Anno 1695. A Bill was presented to the House, to vest in the Crown all forfeited Estates in *Ireland*. And to vacate all Grants made thereof. *11 die Feb. 1695. Lestā 1 vice.*

Anno 1695. A Bill was presented to the House to vest in the Crown all forfeited Estates in *England*, and to vacate all Grants made thereof. *11 die Feb. 1695, Lestā 1. vice.*

Anno 1697. A Bill was presented for vacating all Grants of Estates and other Interests in *England* and *Ireland* from the Crown during the Reign of the late King *Charles the 2d.* And for appropriating the same to the use of the Publick. *12 die Feb. 1697. Lestā 1 vice. 25 die Feb. 1697. Lestā 2. vice.*

Anna

Anno ditto. A Bill was presented for vacating all Grants of Estates and other Interests in *England* and *Ireland*, from the Crown since the 13th. day of *February* 1688. And for appropriating the same to the use of the Publick. 12 *die Feb.* 1697. *Leſta* 1. *vice.* 25. *die Feb.* 1697. *Leſta* 2 *vice.*

Anno ditto. A Bill was presented for vacating all Grants of Estates and other Interests forfeited in *Ireland* since the 13th of *Feb.* 1688. And for appropriating the same to the use of the Publick. 9 *die Feb.* 1697. *Leſta* 1. *vice.* 12 *die Feb.* 1697. *Leſta* 2. *vice.*

Anno 1698. 9 *die Maii.* A Bill was presented for granting an Aid to his Majesty by an imposition upon Beneficial Grants and other things therein mention'd. 10 *die Maii* *Leſta* 1 *vice.* 11 *die Maii* *Leſta* 2 *vice.*

Thus we have shewn a continued Series (the Year 1696 excepted) of Bills or Adresses from Year to Year relating to this matter; so that if the People of *England* have any Right or Interest in these Lands and Forfeitures, it has not been lost or lapsed for want of putting in their Claim.

3dly. *How far in an Act of Resumption it is just and reasonable to look backwards.*

In matters of Government 'tis generally the safest Course to tread in the Steps of our Ancestors, were it only for this single Reason, that 'tis returning so far towards our Antient Constitution, which all sides will agree to have been form'd with admirable Gravity and Wisdom. In the present Question we shall therefore see (as far we can find in old Histories, or in the Records) how our Forefathers proceeded in Acts of the like Nature, for which we have recited our Authorities in the third Section.

Henry the 1st. resum'd such Lands as his Brother Duke *Robert*, who was an easy Prince, had bestowed in *Normandy* upon undeserving Persons. But we do not find he touch'd upon any thing that had been done by his Father, or by *William Rufus*.

Stephen was press'd by the Nation, as well as by *Henry Fitz Empress*, to resume only his own Grants.

Henry the 2d. resumed the Grants of *Stephen*, but the matter had been agreed upon in the preceeding Reign.

Richard

Richard the 1st. did only resume the Alienations he himself had made.

Henry the 3d. was perswaded by his Barons to resume what had been granted away by King *John* his Father, a Prince so profuse, that in a manner he had quite undone the Nation.

The Resumption made by *Edward* the 2d. had relation only to what was done in his own Reign,

In the Reign of *Richard* the 2d. the Commons indeed pray that the Gifts of *Edward* the 3d. to unworthy Persons might be look'd into, which perhaps was done in respect of the dotage and Weakness this great Prince fell into the last Ten Years of his Life. But what had been worthily bestowed was to be confirmed.

In the Reign of *Henry* the 4th. the Petition of the Commons was, that the Resumption might look as far backward as the 40th of *Edward* the 3d. and therefore we see it came to nothing, and only ended in taking the Profits of all the Lands and Pensions granted for one Year.

The Resumptions made in the Reign of *Henry* the 6th. extended only to the first Day of his coming to the Crown.

'Tis

'Tis true, the Commons in their Petition to *Edward* the 4th. pray that the Resumption might extend to the Reigns of all the three *Henries*, and the Act pass'd accordingly: But we may plainly see this was chiefly done to condemn their Titles to the Crown; And the Resumption retrospecting so far, was found so impracticable, that in the 3d. and 4th. of his Reign, a new Act became necessary, which look'd no further backward than the 4th of *March*, in the first Year of his own Reign.

The Resumption made by *Henry* the 7th. does indeed look as far backward as 34 *Hen. 6.* and so takes in the Grants of *Richard* the 3d. and *Edward* the 4th. But because there passed four several Acts of the same Nature in the Reign of *Edward*, we may presume that this long Retrospect could not affect any considerable number of Families, and that it was chiefly level'd at those who by Power and Interest in *Edward's* Reign still kept the Crown-Lands, and who perhaps, by new Grants from *Edward* and *Richard*, had defeated the Intentions of former Parliaments.

The Reader may see, that in these Resumptions most of the Presidents reach only

only to the present, or to the Reign immediately preceeding, which is consonant to the Laws of all Nations, that have prefixt some limited time, after which Men should think themselves safe and quiet in their Possessions.

They without Doors who have desir'd that the forfeited Estates of *Ireland* might not be look'd into, have endeavour'd to obstruct the good Intentions of the Parliament, by crying *we are willing to Resume, provided you will go far enough backwards: we shall join in it if you will take in all the Grants since the Restoration of King Charles the Second.* But few are so short sighted as not to see into this Artifice; such as are for making their Resumption so large, desire none at all, and would engage a great many different Titles to oppose it.

If it could possibly consist with the Rules of Justice, if to do so would not produce unspeakable Disorders, if it would not utterly ruin a great number of Families, no doubt, the Publick labouring under so many Debts, and Difficulties, such a general Resumption would be advisable, all which are strong
Ob-

Objections to the making it so extensive.

To which may be answer'd, that the same Inconveniences will happen by resuming the *Irish* Forfeitures; we shall therefore try to shew how the Cases differ.

But to clear these Points we must repeat some things that have been laid down in the foregoing part of this Discourse.

That the Kings of this Realm have always prescribed a Power of alienating the Crown-Revenue by their Great Seals.

That it would not have been convenient in the beginning of this Constitution to have bound up the Prince's Hands from all kind of Alienations, for then, by Forfeitures and Attainders, in process of time, the King would have been Lord of the whole Soil.

That however, Parliaments by Petitions, Bills or Acts of Resumption, have all along laid in a claim of the People's Interest in this Revenue, especially when the Grants were become exorbitant.

That the Wafts committed upon the Crown-Revenue produced at last [*viz.*

11. Hen. 4.] a positive Law prohibiting these sort of Alienations.

That the force of the Law was evaded by Clauses of *non obstante* incerted in the Letters Patents.

That these Clauses seem condemn'd by the late Act for declaring the Rights and Liberties of the Subjects.

When King *Charles* the 2d. came in, the Doctrine of the Court was, *ſow a little that you may reap much*, and they who were then intrusted with the Nation's Purſe, were themſelves for diving into the Princes Pocket. And at the ſame time the Doctrine of *weſtminſter Hall* was to advance the Prerogative as high as poſſible; thus the King was perſwaded to give away the greateſt part of his Crown Lands, and by the Proceedings of *weſtminſter Hall* the People were encouraged to think ſuch Grants were good in Law, the Courtier begg'd and the Citizen bought, ſo that immediately he was in a manner divested of all, and yet they who had ſuffer'd for him and his Father, were few of 'em the better for all this immoderate Bounty.

These Liberalities of his were not beſtow'd as the Recompence of antient Me-

rit, but were often the Price of Treachery, and the Rewards of Vice. And as *Cyrus* observ'd, that in Camps the most worthless Souldiers are the busiest to get Plunder, so the same thing may be said of a Court expos'd to Spoil, the worst Men in it are the most ravenous and generally make the best Advantages.

The Observation we have now made, did apparently hold true as to King *Charles's* Court; however ill-gotten Goods seldom thrive, and very little of what was thus obtain'd remains with the first Possessors, but is now dispers'd into a Multitude of Hands.

Though what he did was so prejudicial to the Crown yet such was then the flourishing Condition of our Affairs, that we could bear a great deal of ill Management. Besides some were glad enough to see a young Prince necessitated to depend upon his People, who was apprehended to meditate arbitrary Power. But whatever govern'd the Councils of those times, certain it is that there was no actual Bar put in the Way of his destructive Bounty.

'Tis true (as we have noted in the third Section) 'twas complain'd of, but all

all ended in an Address which had very little in it of the Spirit which our Ancestors had shewn upon the like Occasions.

Leave was given at the beginning of that Reign to bring in a Bill of Resumption; A Bill was twice read, to regulate and restrain such Alienations, and an Address was thereupon made, but no consequence following upon all this, the People of *England* had reason to believe that the Parliament acquiesced in what was done at Court.

The matter did not only Sleep then, but was not, as we can find, afterwards reviv'd, and for many Years it was hardly mention'd in the House of Commons, insomuch that Estates, though so newly deriv'd from the Crown, came in a short space of Time to bear almost an equal value with any other sort of Land.

But if, as in ancient times, such a Proceeding of the Court had been complain'd of from Sessions to Sessions, if, as heretofore, the Ministers that procured the Grants, had been impeach'd, if Bills of Resumption had been frequently offer'd, though rejected, such Motions would have been some Warning to

the Nation, the Purchasers would have look'd about 'em, every Man must have known the Hazzard he was to undergo, and he can only accuse himself, who will run into it, when before hand he is acquainted with the Danger.

But the Legislative Authority continuing so long silent in the matter, and the Lawyers of those times making no Objection to Titles of this Sort, depending upon their *Ex certa Scientia, mero Motu & Gratia speciali*, and yet more upon their Clauses of *non obstante*, the People were induced to think they might as safely make these as any other Sort of Purchases.

Hence it was that what belong'd to the Crown but so lately, came to be a matter of Publick Traffick among the People, insomuch that the whole Fortune of very many Families is therein embark'd.

What *Cato* said is indeed true, if rightly distinguish'd, that there ought to be no præscription against the Publick.

*Plut.
vit. Cat.*

* *Nec Mortales contra Deum immortalem, nec privatos contra Rempublicam prescribere posse.* This holds without doubt when private Men get fraudulently or by Force into Possession of what belongs

longs to the Publick, and at the beginning were *Possessores mala Fide*, which length of time ought not to purge. But in a mixt Government, if one Part of the State suffers the other Part to alienate what the whole have an Interest in, and if the said Part had power and Opportunity to make an Opposition, and yet made none, it implies such a Consent as according to the Law of Nations, and the Rules of Justice, ought to indemnifie to all Intents and Purposes the Possessor *bona fide*, and the Purchaser upon a valuable Consideration. *Grotius* speaking upon Alienations says, * *In-*

consulto vero Populo Rex id non potest, si De Jure Belli ac Pacis. l. 2. Cap. 6. n. 10.

*maneamus inter terminos naturales: quia juris temporarii, quale est Regnum electorum, aut lege succedentium ad Imperium, effectus nisi temporarii esse non possunt: potuit tamen Populi, ut expressus consensus, ita tacitus consuetudine introductus qualem nunc passim vigere cernimus, id jus Regibus tribuere. And a little before. * Sub-*

scribere non possumus Jurisconsultis, qui ad Regulam de non alienandis Imperii partibus, adjiciunt exceptiones duas, de publica utilitate, & de necessitate: nisi hoc sensu, ut ubi eadem est utilitas communis & Corporis & Partis, facile ex silentio,

etiam non longi temporis, consensus & populi & partis intervenisse videatur, facilius vero si etiam necessitas appareat. At ubi manifesta est in contrarium voluntas aut corporis, aut partis nihil actum debet intelligi. And a little lower he says.

*Ibid. n. 11. *Nec admitto exceptionem, si res modicum valeat quia quod meum non est, ejus nec exiguam partem alienare mihi jus est: sed in rebus modicis quam in magnis consensus Populi ex scientia, & ex silentio facilius praesumitur.*

So that this great Civilian is of Opinion that the Acquiescence and long silence of one of the Constituent parts of a State is in a manner an Approbation of what the other does.

No doubt the People by their Representatives have a Right to complain when they see that wasted which must be supplied out of their Purses, and they have a Right to propose Resumptions when they become of absolute Necessity. But this Right they may suspend for a Season, & pro hac vice, renounce. ** Venit enim hoc non ex Jure Civili, sed ex Jure Naturali, quo quisque suum potest abdicare.*

No doubt the People may lay claim to what the whole has an Interest in, to what the whole has an Interest in, to

to wit the Publick Revenues, but this claim ought to be made within some moderate Compass of Time, so as not to produce any distraction or disturbance in Men's Titles and Possessions. For otherwise such a Claim will occasion more Disorders than it can propose to remedy.

But when it has been forborn too long, and when the People have been suffer'd to imagin that the Circumstances of the time admitted of a such a Profusion, or that their Representatives have acted upon some Reason of State, and that they did not resume because 'twas better these Estates of the Crown should be in private Hands: When the Silence of those who had right to complain seems to have justified such proceedings, and when upon all these Presumptions private Men have gon on for many Years to buy and sell in the way of their common Business, to come afterwards with *Cato's* Rule and say, *There is no praescribing against the Publick* would be unjust and dangerous.

Sylla made strange Alterations in the State of *Rome*, in its Governments, Magistracies, and also in the Properties of Men; however the Senate had submit-

ted, and in a tract of Time the People was accustomed to these Establishments, but *Cataline* and his Accomplices, not out of Love to the Common-wealth, *Vit. Cic.* (as * *Plutarch* notes) and rather to innovate in things, and to find matter for Civil War, would change what was already fix'd ; but *Cicero* and the best Citizens of *Rome*, thought the Mischief had taken too deep a Root, that to alter what had been done some Years before, and which concern'd so many, would alarm and affect too great a number of Persons, therefore the good Patriots of that Age would not consent to break into the Acts of *Sylla*.

In the same manner most certainly King *Charles* acted against the Trust of his high Office, in permitting such a Spoil to be made of his and the Nations Revenue, but no good Man who loves the Peace and Quiet of his Country would desire to unravel what has been done so many Years ago, and in which so many Thousands are concern'd. The Evil is grown too big for Correction, 'Tis like a Disease which is become in a manner part of the Constitution, of which to attempt the Cure would be to kill the Patient. They whose Duty it was

was to take Care of the Body Politick have suffer'd the Distemper to proceed too far. By the Negligence of the State which for Forty Years together has let this Matter go on without Check and Inquiry, most of those who are in Possession of Grants from King *Charles* are now Possessors *bona fide* and purchasers upon a valuable Consideration. Were they now in the Possession of those who had first procured the Grants, no doubt according to the Constitution of this Kingdom they might justly be resumed. But the Case is notoriously quite otherwise; in the space of Forty Years most of those Estates have been sold over and over, and from time to time have pass'd through so many Hands, that a Resumption from the 1st. Day of his Reign (as they propose who would load this matter to perplex and defeat it) cannot be made without breaking into so many private Contracts, Marriage Settlements, Jointures Mortgages, and Sales for Valuable Consideration, that there is hardly any Tax which probably the People of *England* would not consent to, rather than bring so vast a Disorder and Ruin upon such a number of private Families.

From

From what has been here laid down it will appear to any disinterested Reader, that King *Charles's* Grants and those lately made do not stand upon the same Foot, and that the Cases differ in many and very material Circumstances.

1st. The Law is perhaps otherwise now than the common and receiv'd Practice of it then was, but, as we have before said, 'tis submitted to the Gentlemen of the long Robe to determin in that Point.

2dly. What King *Charles* had done was winked at, because the flourishing Trade, Wealth of the Nation, and its long Peace, might bear such Gifts which were not to be supply'd by new and heavy Taxes. But our present Condition is not the same, there was not then rais'd upon the People quite two Millions *per Annum*. *England* of late has paid, and for some time to come will pay at least Five Millions *per Annum*. The Publick had not then been exhausted, and was not in Debt; we have in Ten Years actually levied Thirty Millions and still owe near Twenty Millions, above four of which are not yet provided for.

3dly. The Nation seem'd to acquiesce
in

in what King *Charles* had done, for tho' something was mov'd at first to restrain and regulate Alienations from the Crown the matter had little Progress and afterwards we have not heard it was pushed on with any Vigour, the Claim was not so strongly made as by the Rules of Justice to take away from the Possessors any Pretences to Præscription. But in our present Case a solemn Assurance has been given from the Throne, *That no grant should be made of the forfeited Lands in England and Ireland till there should be another Opportunity of settling that Matter in Parliament in such manner as should be thought expedient.* Afterwards, as we have shewn, an Address was presented that no Grant might be made of the forfeited Lands in *Ireland*. And almost in every Sessions a Claim has been put in by the Representatives of the People, and as we have set forth Twelve several Bills have been presented and read all tending to appropriate these Forfeitures to the uses of the War. So that the new Possessors of these Estates cannot pretend that any Silence has given a Sanction to what has been done, or that a quiet and unquestiond enjoyment has so far confirm'd their
Right

Right as that thereby they may plead Prescription. If any of these Lands have been sold or traffick'd about, the Purchasers cannot plead Ignorance; by the Steps made in Parliament they could not but know they bought a litigated Title; the same may be said as to Marriage Settlements, Jointures, or any other civil contract that has Relation to the Grants lately made.

4thly. What Crown-Lands *K. Charles* gave away descended lineally to him from his Ancestors, The Irish Forfeitures have been lately purchas'd with the Blood and Treasure of this Kingdom.

If any Man could think that a Resumption retrospecting so far as the beginning of King *Charles II's* Reign would be for the Publick Good, why has it been never set afoot or mention'd at any other time but when the Parliament had a desire, by a Resumption in *Ireland*, to ease the People in their Taxes?

All the Premisses consider'd, perhaps it will appear to any unbiass'd Person who desires to help the Affairs of *England* by a Resumption, That, to follow the greatest Number of Presidents and according to the Rules of Prudence and Justice, the Bill ought to look no farther back.

backwards than this, or the Reign immediately preceeding.

We hope to have made it evident in the Series of this Discourse, That according to the Constitution of this Kingdom the late Grants may be resumed, We have produc'd variety of Presidents to justify such a Proceeding. 'Tis hoped we have given them a full Answer who would engage the Kings Honour in Countenancing their Depredations upon the Publick. Peradventure we have produc'd undeniable Proofs that the People of *England* have an Interest in these Lands, and Perhaps we have silenc'd those, who to clog a good thing, would put us upon a wrong scent, by proposing to look farther backwards than in Justice and Reason we ought to do.

And, if we have made out all these Positions, it will not be difficult for good Englishmen to think, inferr, and conclude, **That more especially the forfeited Estates in Ireland ought to be apply'd towards Payment of the Publick Debts.**

The Writer of these Papers, from the first time he bent his Studies to Mat-
ters

ters of this Nature, has all along endeavour'd to propose such Ways and Means of raising Money as might give ease to the Landed Interest of which he hopes what he has formerly publish'd is a sufficient Evidence.

'Tis true the freedom and Sincerity with which he has handled these Points may have drawn upon him powerful enmities but if he has given any Hints by which *England* may save two Millions and remain this Year without a Land Tax, he shall think his Labour well employ'd, and little value the displeasure of Particular and Interested Persons, whose, Resentments ought truly not to fall upon him, but rather upon those whose general ill Conduct has made so rough a thing as a Resumption necessary.

However he who looks into any Male administration stirs up a Nest of Hornets. If any one be touch'd who has been concern'd in Procuring Grants all that have participated in his Guilt will be alarm'd, and think themselves bound to act in his Defence; for if one Criminal falls the rest are all in danger * *Nam si Marcellus Eprius caderet Agmen Reorum Sterneretur.*

There is an Anecdote, or secret History

*Tacit.
Hist. l. 4.*

*What a bold
saying the poor*

story belonging to these Grants well worth the Knowledge of good Patriots; the Writer of these Papers is not quite without Materials for it: Nor is he at all withheld by any of those private and mean Fears which commonly obstruct National Designs, but the Truth is he has not this time had leisure to put so Dark and Intricate a matter into any tolerable Method.

The Manner of procuring several of the Irish Forfeitures has been as criminal by its Circumstances, as in itself; but of this at another Season. To look into the Depredations lately committed is so copious a subject, that he who bends his Thoughts this way, is sure to have matter enough before him; and, if all things were well examin'd, it would perhaps be found that the Resumption here propos'd is not the only way of raising Money to ease the People in their Taxes.

There have been of late Years given in Parliament upwards of Fifty Millions. This immense Summ as we all know, has been transmitted into two Offices for the use of the War. And by an Inquisition into those Offices peradventure something very considerable is to be recover'd.

The

The Author thinks he cannot employ his Hours of Leisure more to his Country's Service than in Inquiries of this Nature. And next Year (if he finds a Continuation of these Foul Practices which have been so destructive to *England*, and so prejudicial to the King's Interest) he purposes to open a new Scene: That Zeal for the Publick which has now warm'd him shall not in the least cool, and though he should be left to stand alone, he will still combat on, and neither ask nor give Quarter in the Conflict he intends to maintain with the Corruptions of the Age.

F I N I S.

Postscript.

I Am very much surprized to find that some Persons have endeavoured to put a wrong Construction upon a Passage in this Book, [*ps.* 370.] relating to his Grace the Duke of *Leeds*.

The Respect I have ever born to this Great Man, is sufficiently known among my Acquaintance and Friends, and I am confident I stand in need of no Apology to the Duke himself, for having presumed to mention his Name; but hearing what I have said of him, has given Offence to several that are warmly concern'd in any thing which may touch upon his Honour, I shall take the Opportunity of this Second Impression to explain my self upon this Subject.

Postscript.

I find the principal Objection to be, That I have apologis'd for some whose Impeachments I have taken Notice of, and that setting forth the Accufation of One who has done his Country fuch fignal Services, as the Duke of *Leeds*, I ought, at the fame time, to have mentioned, what might be juftly faid in his Defence.

To which I anfwer, That having faid in the fame Page, *That the Question being put*, upon this among other Articles, *Whether any fit Matter did appear in the Examination of thofe Articles to impeach the Lord Treasurer ? It paffed in the Negative.* I thought the Duke's Honour fufficiently cleared, when I fhewed from the Journal it felf, that his Enemies could not make their Accufation good.

My Meaning, when I took Notice of this Impeachment, was to fhew, That it has been the continued Sence of Parliaments, that Minifters of State ought not to procure Grants

Postscript.

Grants to themselves of the Crown Revenue. But it can be inferred from no Words of mine, that I thought his Grace justly charged by this Article. Innocent Persons have been frequently accused, and upon their Trials acquitted. And Innocence has been sometimes oppressed by Faction. The *Scipios*, the two best Men that *Rome* ever bred, were brought to answer for themselves before the People. Nor can Liberty subsist where any Citizen is above being accused. * *Neminem u-* * *Tit. Liv.*
num Civem tantum eminere debere, ut Lib. 38.
legibus interrogari non possit. Nihil
tam æquandæ libertatis esse, quam poten-
tissimum quemque posse dicere Causam.
Quid autem tuto cuiquam, nedum sum-
mam Reipublicæ permitti, si ratio non
sit reddenda? Qui jus æquum pati
non possit, in eum vim haud inju-
stam esse. When good Patriots are questioned, if they clear themselves, it adds a greater Lustre to their Fame: And 'tis an especial Mark of their Innocence, if their Accusers industriously, and constantly avoid coming to try the Fact.

Postscript.

This I take to have been all along the Duke of Leed's Case. He has been accused, but 'tis notorious he has most earnestly press'd to have his Impeachments tryed, for which Reason he stands acquitted in the Judgment of all Impartial People.

In an Historical Account I was necessitated to bring his Name upon the Stage, and if I made no Apology for him, as I have done for others, 'twas because I thought his Case did not require it.

In the Year 1678. the Article of procuring Grants, was again repeated in his Impeachment; but I have heard, and there are living Witnesses to prove it, That a certain Person (without Doors) did say, on that Occasion, *This Article was added to the rest (though rejected before) only to blacken the Duke.*

As to the 5th Article, I have been informed, by those who are both knowing of the Fact, and offer at this Day

Postscript.

Day to make it appear, that of the 23¹⁶⁰² l. issued out of his Majesty's Exchequer in two Years for Secret Service, far the greatest Part of that Money was employed to other uses than those which are suggested in that Article, and had amounted to 100000 l. more than that Summ, within the same two Years, if the Duke had not both positively refused to obey the King's Command to pay 100000 l. more to secret Service within the time aforesaid, and withstood the transcendent Power of a very great Lady, and the earnest Sollicitations of a certain Lord now in Power, who was sent to him with that Message on her behalf, and who knows this to be true,

'Tis likewise said (and I have heard it confirmed by the Duke himself) That after his Refusal to pay that 100000 l. he was never able to withstand the Power of that Lady, nor of the French Interest at Court, tho' he was mistakenly prosecuted at the same time for an Abettor of it.

I think my self bound in Justice to say, that, according to the best Observations

Postscript.

servations I have been able to make, the Duke has in all Reigns opposed the Interest of *France*, although (as his nearest Relations do constantly affirm) he has had Temptations offered him of the highest Nature, to have espoused it; and there can be no greater Instance given, than the Match he originally proposed, and principally promoted between the Prince of *Orange*, his present Majesty, and the late Queen, which was a Blow indeed to *France*. That he did not make his Court by that Marriage, is as apparent, as that we all owe our present Happiness to that wise Council.

As to the other Articles of his Impeachments, I neither have nor shall pretend to argue upon them. In my own Opinion, I have always had his Affection to the Publick, his Courage, Eloquence, Foresight, and Wisdom, in the highest Veneration: His worst Enemies must acknowledge, no Man was more active than he in the Revolution; nor could I ever hear any unbiassed Person represent him otherwise, than as a Man steady to the Religion and True Interest of his Country.

In

Postscript.

In loose Reigns, the best and greatest Statesmen that ever were, have been compelled to do some Things against their Inclinations, which will not bear a strict Enquiry, and yet are to be excused by the Necessity of the Times, when Women and Priests have governed, and when the whole Court has been corrupted. But those Ministers have nothing to say in their Defence, who are guilty of Male-Administration under a Wise and Virtuous Prince.

F I N I S.

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